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THE

ORDINANCES

OF THE

CITY OF ST. LOUIS,

STATE OF MISSOURI,

DIGESTED AND REVISED BY THE COMMON COUNCIL OF SAID CITY,
IN THE YEARS 1860 & 1861.

WITH THE CONSTITUTION OF THE UNITED STATES AND THE STATE
OF MISSOURI, AND THE VARIOUS CHARTERS OF THE
CITY OF ST. LOUIS.

ST. LOUIS:
GEORGE KNAPP & CO., PRINTERS AND BINDERS.
1861.

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PREFACE.

This work contains the Constitution of the United States, and of the State of Missouri, all Laws of the General Assembly which directly affect the municipal rights of the City of St. Louis, and all Ordinances of the City of a general and permanent nature. The last general Charter of the City was approved March 8, 1851, since which time no less than thirty-three Acts have been passed, amendatory of and supplementary thereto. By a resolution of the Common Council, the revisor was directed to make a compilation of such portions of the various City Charters as are now in force, in order to present in a complete and accessible form the existing chartered rights of the City. This has been done and is embraced within the volume of the work under the head of "Municipal Code." It is a codification of existing Charters, and it is believed will present a correct abstract, systematically arranged, of all the valid enactments of the General Assembly touching the municipal rights of the City. In every instance references have been made to the Act from which the several sections of the Code have been taken, as also the page in the preceding part of the work where they may be found.

To render this Code, which is substantially the "*City Charter*," convenient for reference, it has been supplied with marginal notes and a carefully prepared Index. All extraneous matter has been excluded; but the Ordinance authorizing the revision requiring that the Constitutions of the United States and the State of Missouri, as also all previous Charters, should be inserted, the revisor has not felt at liberty to exclude them; although the subsequent action of the Council in directing a compilation of previous Charters might, perhaps, have justified their rejection.

The Acts of the General Assembly relating to the City from the first Charter of the Town of St. Louis, in 1809, down to the 13th May, 1861, are all embraced in this volume; and although it is but rare that a reference to them is ever required in the ordinary transaction of City affairs, yet they are interesting as forming a connected history of our State legislation concerning the City, and as indicating her progress from small beginnings to her present position.

The proof-sheets of every Ordinance have been read over and carefully compared with the engrossed bills in the Register's office, and where discrepancies have occurred between the original bills and the engrossments, the text of the latter has been followed, and interpolations in brackets made to indicate the fact.

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Especial care has been bestowed upon the Index to the Digest of Ordinances; being the first thing consulted, and the key to the whole Digest, the aim has been to make it as exact and as copious as possible, and to indicate at a glance the page in the body of the book where any subject matter of inquiry may be found; following the Ordinances in their order, and giving the headings of each in conspicuous type, it contains an alphabetical sub-index to each section and to each subject; it also refers to such portions of the Charters preceding the Municipal Code as might naturally be required in an index to them.

In the general plan and distribution of matter, the system adopted in the Revision of 1856 has been followed, and as that Revision has become familiar to most of those who will have occasion to consult this work, it has been deemed advisable to make only such variations from its style and execution as subsequent changes of Ordinances have necessitated.

As a matter of convenient reference to persons having business with the heads of departments and city officials, there has been inserted a list of the officers of the City Government for the year 1861–2.

CHAS. H. TILLSON, *Revisor.*

St. Louis, Oct. 1, 1861.

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CONSTITUTION

OF THE

UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

ARTICLE I.

SECTION I.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

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3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of elections to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall have assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to the removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulation, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall,

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at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate, in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall

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have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court: To define and punish piracies and felonies committed on the seas, and offenses against the laws of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

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15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

16. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square,) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or other enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of

any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. *The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each: which list they shall sign and certify and transmit sealed to the seat of government of the United States directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and*

House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed: and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President: and if no person have a majority, then from the five highest on the list, the said house shall, in like manner choose the President. But in choosing the President, the vote shall be taken by States, the Representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United states.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall then act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters upon the execution of his office, he shall take the following oath or affirmation:

9. "I DO SOLEMNLY SWEAR (or affirm) THAT I WILL FAITHFULLY EXECUTE THE OFFICE OF PRESIDENT OF THE UNITED STATES, AND WILL, TO THE BEST OF MY ABILITY, PRESERVE,

Author Block

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ment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such places as the Congress may, by law, have directed.

SECTION III.

1. Treason against the United States shall consist only in levying war against them or in adhering to their enemies,

giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens of the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

SECTION III.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

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SECTION IV.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasions; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust under the United States.

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ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution, between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorman,
Rufus King.

NEW JERSEY.

William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersol,
James Wilson,
Governeur Morris.

DELAWARE.

George Reed,
Gunning Bedford, Jr.,
John Dickinson,
Richard Basset,
Jacob Broom.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

MARYLAND.

James McHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, Jr.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson,

SOUTH CAROLINA.

John Rutledge,
Chas. Cotesworth Pinkney,
Charles Pinkney,
Pierce Butler.

GEORGIA.

William Few,
Abraham Baldwin.

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IN CONVENTION.

MONDAY, SEPTEMBER 17th, 1787.

Present: The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

1. *Resolved*, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled.

2. *Resolved*, That it is the opinion of this Convention, that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

[The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be

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added, Congress, at the session begun and held at the city of New York, on Wednesday, the 4th of March, 1789, proposed to the Legislatures of the several States twelve amendments, ten of which only were adopted. They are the ten first following.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property,

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without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined, in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to these States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

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ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by States, the Representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, with-

out the consent of Congress, accept and retain any present, pension, office, or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article at the first session of the eighth Congress; and the 13th article at the second session of the eleventh Congress.]

CONSTITUTION

OF THE

STATE OF MISSOURI.

WE, the people of Missouri, inhabiting the limits hereinafter designated, by our Representatives, in Convention assembled, at St. Louis, on Monday, the 12th day of June, 1820, do mutually agree to form and establish a free and independent republic, by the name of the "State of Missouri;" and for the government thereof do ordain and establish this Constitution:

ARTICLE I.

Of Boundaries.

SECTION 1. We do declare, establish, ratify and confirm the following as the permanent boundaries of said State, that is to say: "Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees north latitude; thence west, along said parallel of latitude, to the St. François river; thence up and following the course of that river in the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line; thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down along the middle of the main channel of said river Des Moines to the

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mouth of the same, where it empties into the Mississippi river; thence due east to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning."

ARTICLE II.

Of the Distribution of Power.

SECTION 1. The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except in instances hereinafter directed or permitted.

ARTICLE III.

Of the Legislative Power.

SECTION 1. The legislative power shall be vested in a *General Assembly*, which shall consist of a *Senate*, and of a *House of Representatives*.

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. Each county shall have at least one Representative, but the whole number of Representatives shall never exceed one hundred.

SEC. 3. No person shall be a member of the House of Representatives who shall not have attained to the age of twenty-four years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State two years, and of the county which he represents one year next before his election, if such county shall have been so long established; but if not, then of the county or counties from which the same shall have been taken; and who shall not, moreover, have paid a State or county tax.

SEC. 4. The General Assembly, at their first session, and in the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-four, respectively, and every fourth year thereafter, shall cause an enumeration of the inhabitants of this State to be made; and, at the first session after each enumeration, shall apportion the number of representatives among the several counties according to the number of free white male inhabitants therein.

SEC. 5. The Senators shall be chosen by the qualified electors, for the term of four years. No person shall be a Senator who shall not have attained to the age of thirty years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State four years, and of the district which he may be chosen to represent one year next before his election, if such district shall have been so long established; but if not, then of the district or districts from which the same shall have been taken; and who shall not, moreover, have paid a State or county tax.

SEC. 6. The Senate shall consist of not less than fourteen nor more than thirty-three members; for the election of whom the State shall be divided into convenient districts, which may be altered from time to time, and new districts established, as public convenience may require; and the Senators shall be apportioned among the several districts according to the number of free white male inhabitants in each; *Provided*, that when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

SEC. 7. At the first session of the General Assembly, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year; so that one-half of the Senators shall be chosen every second year.

SEC. 8. After the first day of January, one thousand eight hundred and twenty-two, all general elections shall commence on the first Monday in August, and shall be held biennially; and the electors, in all cases, except of treason, felony, or breach of the peace, shall be privileged from arrest during their continuance at elections, and in going to and returning from the same.

SEC. 9. The Governor shall issue writs of election to fill such vacancies as may occur in either House of the General Assembly.

SEC. 10. Every free white male citizen of the United States who may have attained to the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices; *Provided*, that no soldier, seaman, or mariner in the regular army or navy of

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the United States, shall be entitled to a vote at any election in the State.

SEC. 11. No judge of any court of law or equity, secretary of State, attorney general, State auditor, State or county treasurer, register or recorder, clerk of any court of record, sheriff, coroner, member of Congress, nor other person holding any lucrative office under the United States, or this State, (militia officers, justices of the peace, and postmasters excepted,) shall be eligible to either House of the General Assembly.

SEC. 12. No person who now is, or who hereafter may be, a collector or holder of public money, nor any assistant or deputy of such collector or holder of public money, shall be eligible to either House of the General Assembly, nor to any office of profit or trust, until he shall have accounted for and paid all sums for which he may be accountable.

SEC. 13. No person, while he continues to exercise the functions of a bishop, priest, clergyman, or teacher of any religious persuasion, denomination, society or sect whatsoever, shall be eligible to either House of the General Assembly; nor shall he be appointed to any office of profit within the State, the office of justice of the peace excepted.

SEC. 14. The General Assembly shall have power to exclude from every office of honor, trust, or profit, within this State, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

SEC. 15. Every person who shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment, shall be disqualified for any office of honor, trust or profit, under this State; and any person who shall give or offer any bribe to procure the election or appointment of any other person, shall, on conviction thereof, be disqualified for an elector, or for any office of honor, trust or profit, under this State, for ten years after such conviction.

SEC. 16. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created or the emoluments of which shall have been increased during his continuance in office, except to such offices as shall be filled by elections of the people.

SEC. 17. Each House shall appoint its own officers, and shall judge of the qualifications, elections, and returns of its own members. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent

members in such manner and under such penalties as each House may provide.

SEC. 18. Each House may determine the rules of its proceedings, punish its own members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secresy; and the yeas and nays on any question shall be entered on the journal at the desire of any two members.

SEC. 19. The doors of each House, and of committees of the whole, shall be kept open, except in cases which may require secresy; and each House may punish, by fine or imprisonment, any person, not a member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in their presence, during their session; *Provided*, that such fines shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours for one offense.

SEC. 20. Neither House shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than to that in which the two Houses may be sitting.

SEC. 21. Bills may originate in either House, and may be altered, amended, or rejected by the other; and every bill shall be read on three different days in each House, unless two-thirds of the House where the same is depending shall dispense with this rule; and every bill, having passed both Houses, shall be signed by the Speaker of the House of Representatives and by the President of the Senate.

SEC. 22. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both Houses, or by the separate vote of either House of the General Assembly, the votes shall be publicly given, *viva voce*, and entered on the journals. The whole list of members shall be called, and the names of absentees shall be noted and published with the journals.

SEC. 23. Senators and Representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either House, they shall not be questioned in any other place.

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SEC. 24. The members of the General Assembly shall severally receive from the public treasury a compensation for their services, which may, from time to time, be increased or diminished by law; but no alteration, increasing or tending to increase the compensation of members, shall take effect during the session at which such alteration shall be be made.

SEC. 25. The General Assembly shall direct by law in what manner, and in what courts, suits may be brought against the State.

SEC. 26. The General Assembly shall have no power to pass laws—

First, For the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, in full, equivalent for such slaves so emancipated; and,

Second, To prevent *bona fide* emigrants to this State, or actual settlers therein, from bringing from any of the United States, or from any of their Territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this State.

They shall have power to pass laws—

First, To prohibit the introduction into this State of any slaves who may have committed any high crime in any other State or Territory;

Second, To prohibit the introduction of any slave for the purpose of speculation, or as an article of trade or merchandise;

Third, To prohibit the introduction of any slave or the offspring of any slave, who have been, or hereafter may be, imported from any foreign country into the United States, or any Territory thereof, in contravention of any existing statute of the United States; and,

Fourth, To permit the owners of slaves to emancipate them, saving the rights of creditors, where the person so emancipating will give security that the slave so emancipated shall not become a public charge.

It shall be their duty, as soon as may be, to pass such laws as may be necessary:

First, To prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever; and,

Second, To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them, extending to life or limb.

SEC. 27. In prosecutions for crimes, slaves shall not be deprived of an impartial trial by jury, and a slave convicted of a capital offense shall suffer the same degree of punishment (and no other) that would be inflicted on a free white person for a like offense; and courts of justice before whom slaves shall be tried, shall assign them counsel for their defense.

SEC. 28. Any person who shall maliciously deprive of life, or dismember a slave, shall suffer such punishment as would be inflicted for the like offense if it were committed on a free white person.

SEC. 29. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, and all Judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than removal from office, and disqualification to hold any office of honor, trust, or profit, under this State.

SEC. 30. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the presiding judge of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 31. A State Treasurer shall be biennially appointed by joint vote of the two houses of the General Assembly, who shall keep his office at the seat of government. No money shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 32. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law, and all officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States, and of this State, and to demean themselves faithfully in office.

SEC. 33. The General Assembly shall meet on the third Monday in September next; on the first Monday in November, eighteen hundred and twenty-one; on the first Monday in November, eighteen hundred and twenty-two; and thereafter the General Assembly shall meet once in every two

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years, and such meeting shall be on the first Monday in November, unless a different day shall be appointed by law.

SEC. 34. No county now established by law shall ever be reduced by the establishment of new counties to less than twenty miles square; nor shall any county hereafter be established which shall contain less than four hundred square miles.

SEC. 35. Within five years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated, in such manner as the General Assembly shall direct; and a like revision, digest, and promulgation, shall be made at the expiration of every subsequent period of ten years.

SEC. 36. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of the State of Missouri.*"

ARTICLE IV.

Of the Executive Power.

SECTION 1. The supreme executive power shall be vested in a chief magistrate, who shall be styled, "*The Governor of the State of Missouri.*"

SEC. 2. The Governor shall be at least thirty-five years of age, and a natural born citizen of the United States, or a citizen at the adoption of the Constitution of the United States, or an inhabitant of that part of Louisiana now included in the State of Missouri at the time of the cession thereof from France to the United States, and shall have been a resident of the same at least four years next preceding his election.

SEC. 3. The Governor shall hold his office for four years, and until his successor be duly appointed and qualified. He shall be elected in the manner following: At the time and place of voting for members of the House of Representatives, the qualified electors shall vote for a Governor, and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a vote of both houses of the General Assembly at their next session.

SEC. 4. The Governor shall be ineligible for the next four years after the expiration of his term of service.

SEC. 5. The Governor shall be commander-in-chief of the militia and navy of this State, except when they shall be called into the service of the United States; but he need not

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command in person, unless advised so to do by a resolution of the General Assembly.

SEC. 6. The Governor shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons.

SEC. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the General Assembly by proclamation, and shall state to them the purposes for which they are convened.

SEC. 8. The Governor shall take care that the laws be distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.

SEC. 9. When any office shall become vacant, the Governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

SEC. 10. Every bill, which shall have been passed by both houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, and the house shall cause his objections to be entered at large on its journals, and shall proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall be in like manner reconsidered, and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if the Governor had signed it, unless the General Assembly by its adjournment shall prevent its return, in which case it shall not become a law.

SEC. 11. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on cases of adjournment, shall be presented to the Governor, and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. 12. There shall be an Auditor of Public Accounts, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

SEC. 13. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished during his continuance in office, *and which shall never be less than two thousand dollars annually.*

SEC. 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the Governor. The electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant Governor.

SEC. 15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole, he may debate on all questions; and when there is an equal division, he shall give the casting vote in Senate, and also in joint vote of both houses.

SEC. 16. When the office of Governor shall become vacant, by death, resignation, absence from the State, removal from office, refusal to qualify, impeachment, or otherwise, the Lieutenant Governor—or, in case of like disability on his part, the President of the Senate *pro tempore*—or, if there be no President of the Senate *pro tempore*, the Speaker of the House of Representatives shall—possess all the powers, and discharge all the duties of Governor, and shall receive for his services the like compensation, until such vacancy be filled, or the Governor so absent or impeached shall return or be acquitted.

SEC. 17. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor, or other person exercising the powers of Governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months' previous notice thereof; and the person elected shall not thereby be rendered ineligible to the office of Governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the last Governor shall have been elected, the same shall not be filled.

SEC. 18. The Lieutenant Governor, or President of the Senate *pro tempore*, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 19. The returns of all elections of Governor and Lieutenant Governor shall be made to the Secretary of State in such manner as may be prescribed by law.

SEC. 20. Contested elections of Governor and Lieutenant Governor shall be decided by a joint vote of both houses of the General Assembly, in such manner as as may be prescribed by law.

SEC. 21. There shall be a Secretary of State, whom the Governor, by and with the advice and consent of the Senate, shall appoint. He shall hold his office for four years, unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the Governor, and, when necessary, shall attest them; and he shall lay the same, together with all papers relative thereto, before either house of the General Assembly, whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

SEC. 22. The Secretary of State shall, as soon as may be, procure a seal of State, with such emblems and devices as shall be directed by law, which shall not be subject to change. It shall be called the "*Great Seal of the State of Missouri;*" shall be kept by the Secretary of State, and all official acts of the Governor, his aprobation of the laws excepted, shall be thereby authenticated.

SEC. 23. There shall be appointed in each county a Sheriff and a Coroner, who, until the General Assembly shall otherwise provide, shall be elected by the qualified electors at the time and place of electing Representatives. They shall serve for two years, and until a successor be duly appointed and qualified, unless sooner removed for misdemeanor in office, and shall be ineligible four years in any period of eight years. The Sheriff and Coroner shall each give security for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a Sheriff and a Coroner therein, who shall continue in office until the next succeeding general election, and until a successor be duly qualified.

SEC. 24. When vacancies happen in the office of Sheriff or Coroner, they shall be filled by appointment of the Governor; and the person so appointed shall continue in office until successors shall be duly qualified, and shall not thereby be ineligible for the next succeeding term.

SEC. 25. In all elections of Sheriff and Coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the circuit courts of the counties, respectively, shall give the casting vote; and all contest-

ed elections for the said offices shall be decided by the circuit courts, respectively, in such manner as the General Assembly may by law prescribe.

ARTICLE V.

Of the Judicial Power.

SECTION 1. The judicial power, as to matters of law and equity, shall be vested in a "*Supreme Court*," in a ["*Chancellor*,"] in "*Circuit Courts*," and in such inferior tribunals as the General Assembly may, from time to time, ordain and establish.

SEC. 2. The Supreme Court, except in cases otherwise directed by the Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this constitution provided.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other remedial writs; and to hear and determine the same.

SEC. 4. The Supreme Court shall consist of three judges, any two of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the State.

SEC. 5. The State shall be divided into convenient districts, not to exceed four, in each of which the Supreme Court shall hold two sessions annually, at such place as the General Assembly shall appoint; and when sitting in either district, it shall exercise jurisdiction over causes originating in that district only; *Provided*, however, that the General Assembly may, at any time hereafter, direct by law that the said court shall be held at one place only.

SEC. 6. The Circuit Court shall have jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be recognizable before justices of the peace, until otherwise directed by the General Assembly. It shall hold its terms in such place in each county as may be by law directed.

SEC. 7. The State shall be divided into convenient circuits, for each of which a judge shall be appointed, who, after his appointment, shall reside, and be a conservator of the peace, within the circuit for which he shall be appointed.

SEC. 8. The Circuit Court shall exercise a superintending control over all such inferior tribunals as the General Assem-

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bly may establish, and over justices of the peace in each county in their respective circuits.

SEC. 9. *The jurisdiction of the Court of Chancery shall be co-extensive with the State; and the times and places of holding its sessions shall be regulated in the same manner as those of the Supreme Court.*

SEC. 10. The Court of Chancery shall have original and appellate jurisdiction in all matters of equity, and a general control over executors, administrators, guardians and minors, subject to appeal in all cases to the Supreme Court, under such limitations as the General Assembly may by law provide.

SEC. 11. Until the General Assembly shall deem it expedient to establish inferior Courts of Chancery, the Circuit Courts shall have jurisdiction in matters of equity, subject to appeal to the Court of Chancery, in such manner, and under such restrictions, as shall be prescribed by law.

SEC. 12. Inferior tribunals shall be established in each county, for the transaction of all county business, for appointing guardians, for granting letters testamentary and of administration, and for settling the accounts of executors, administrators, and guardians.

SEC. 13. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint the judges of the Supreme Court, the judges of the Circuit Courts, and the Chancellor, each of whom shall hold his office during good behavior; and shall receive for his services a compensation which shall not be diminished during his continuance in office, *and which shall not be less than two thousand dollars annually.*

SEC. 14. No person shall be appointed a judge of the Supreme Court, nor of a Circuit Court, nor Chancellor, before he shall have attained to the age of thirty years; nor shall any person continue to exercise the duties of any of said offices after he shall attained to the age of sixty-five years.

SEC. 15. The Courts, respectively, shall appoint their clerks, who shall hold their offices during good behavior. For any misdemeanor in office, they shall be liable to be tried and removed by the Supreme Court, in such manner as the General Assembly shall by law provide.

SEC. 16. Any judge of the Supreme Court, or the Circuit Court, or the *Chancellor*, may be removed from office on the address of two-thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state on its respective journal, the cause for which it shall wish the removal of such judge or chancellor, and give him notice

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thereof, and he shall have the right to be heard in his defense in such manner as the General Assembly shall by law direct; but no judge nor chancellor shall be removed in this manner for any cause for which he might have been impeached.

SEC. 17. In each county there shall be appointed as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

SEC. 18. An Attorney General shall be appointed by the Governor, and by and with the advice and consent of the Senate. He shall remain in office four years, and shall perform such duties as shall be required of him by law.

SEC. 19. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "*State of Missouri;*" all writs shall be tested by the Clerk of the Court from which they shall be issued, and all indictments shall conclude, "*against the peace and dignity of the State.*"

ARTICLE VI.

Of Education.

SECTION 1. Schools and the means of education shall forever be encouraged in this State; and the General Assembly shall take measures to preserve from waste or damage such lands as have been, or hereafter may be, granted by the United States for the use of schools within each township in this State, and shall apply the funds which may arise from such lands in strict conformity to the object of the grant; one school or more shall be established in each township, as soon as practicable and necessary, where the poor shall be taught gratis.

SEC. 2. The General Assembly shall take measures for the improvement of such lands as have been, or may hereafter be granted by the United States to this State, for the support of a seminary of learning; and the funds accruing from such lands by rent or lease, or in any other manner, or which may be obtained from any other source, for the purposes aforesaid, shall be and remain a permanent fund to support a university for the promotion of literature and of the arts and sciences; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement of such lands, and for the improvement and permanent security of the funds and endowments of such institution.

ARTICLE VII.

Of Internal Improvement.

SECTION 1. Internal improvements shall forever be encouraged by the government of this State; and it shall be the duty of the General Assembly, as soon as may be, to make provision by law for ascertaining the most proper objects of improvement in relation to roads and navigable waters; and it shall also be their duty to provide by law for a systematic and economical application of the funds appropriated to those objects.

ARTICLE VIII.

Of Banks.

SECTION 1. The General Assembly may incorporate one banking company, and no more, to be in operation at the same time.

SEC. 2. The bank to be incorporated may have any number of branches not to exceed five, to be established by law; and not more than one branch shall be established at any one session of the General Assembly. The capital stock of the bank to be incorporated shall never exceed five millions of dollars, at least one-half of which shall be reserved for the use of the State.

ARTICLE IX.

Of the Militia.

SECTION 1. Field officers and company officers shall be elected by the persons subject to militia duty within their respective commands. Brigadiers General shall be elected by the field officers of their respective brigades; and Majors General by the brigadiers and field officers of their respective divisions, until otherwise directed by law.

SEC. 2. General and field officers shall appoint their officers of the staff.

SEC. 3. The Governor shall appoint an Adjutant General, and all other militia officers whose appointments are not otherwise provided for in this Constitution.

ARTICLE X.

Of Miscellaneous Provisions.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States, nor shall lands belonging to persons residing out of the limits of this State ever be taxed higher than the lands belonging to persons residing within the State.

SEC. 2. The State shall have concurrent jurisdiction on the Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to the said State, and any other State or States now or hereafter to be formed and bounded by the same; and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost or toll therefor imposed by the State.

ARTICLE XI.

Of the Permanent Seat of Government.

SECTION 1. The General Assembly, at their first session, shall appoint five commissioners for the purpose of selecting a place for the permanent seat of government, whose duty it shall be to select four sections of the land of the United States which shall not have been exposed to public sale.

SEC. 2. If the commissioners believe the four sections of land, so by them to be selected, be not a suitable and proper situation for the permanent seat of government, they shall select such other place as they may deem most proper for that purpose, and report the same to the General Assembly at the time of their making their report provided for in the first section of this article; *Provided*, That no place shall be selected which is not situated on the bank of the Missouri river, and within forty miles of the mouth of the river Osage.

SEC. 3. If the General Assembly determine that the four sections of land, which may be selected by authority of the first section of this article, be a suitable and proper place for the permanent seat of government, the said commissioners shall lay out a town thereon, under the direction of the Gen-

eral Assembly; but if the General Assembly deem it most expedient to fix the permanent seat of government at the place to be selected by authority of the second section of this article, they shall so determine, and in that event shall authorize the said commissioners to purchase any quantity of land, not exceeding six hundred and forty acres, which may be necessary for the purpose aforesaid, and the place so selected shall be the permanent seat of government of this State, from and after the first day of October, one thousand eight hundred and twenty-six.

SEC. 4. The General Assembly, in selecting the above mentioned commissioners, shall choose one from each extreme part of the State, and one one from the centre; and it shall require the concurrence of at least three of the commissioners to decide upon any part of the duties assigned them.

ARTICLE XII.

Mode of Amending the Constitution.

SECTION 1. The General Assembly may, at any time, propose such amendments to this Constitution as two-thirds of each House shall deem expedient, which shall be published in all the newspapers published in this State three several times, at least twelve months before the next general election; and if, at the first session of the General Assembly after such general election, two-thirds of each House shall, by yeas and nays, ratify such proposed amendments, they shall be valid, to all intents and purposes, as parts of this Constitution; *Provided*, that such proposed amendments shall be read on three several days in each House, as well when the same are proposed as when they are finally ratified.

ARTICLE XIII.

Declaration of Rights.

That the general, great and essential principles of liberty and free government may be recognized and established, WE DECLARE—

1. That all political power is vested in, and derived from the people:

2. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness:

3. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves and of the State cannot be questioned.

4. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can be compelled to erect, support orattend any place of worship, or to maintain any minister of the gospel or teacher of religion; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested or restrained in his religious professions or sentiments, if he do not disturb others in their religious worship.

5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this State; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this State:

6. That all elections shall be free and equal:

7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay; and that no private property ought to be taken or applied to public use without just compensation:

8. That the right of trial by jury shall remain inviolate:

9. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers or the law of the land.

10. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or limb; and if, in any criminal prosecution, the jury be divided in opinion, at the end of the term, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court:

11. That all persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas*

corpus cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:

12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted:

13. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation:

14. That no person can, for an indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office:

15. That treason against the State can consist only in levying war against it; or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on on his own confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in case of natural death; and when any person shall be killed by casualty there ought to be no forfeiture by reason thereof:

16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write and print, on any subject, being responsible for the abuse of that liberty; and in all prosecutions for libel the truth thereof may be given in evidence, and the jury may determine the law and the facts under the direction of the court:

17. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed, nor can the person of a debtor be imprisoned for debt, after he shall have surrendered his property for the benefit of his creditors in such manner as may be prescribed by law.

18. That no person who is religiously scrupulous of bearing arms can be compelled to do so, but may be compelled to pay an equivalent for military service in such manner as may be prescribed by law; and that no priest, preacher of the gospel, or teacher of any religious persuasion or sect, regu-

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larly ordained as such, be subject to military duty or compelled to bear arms:

19. That all property subject to taxation in this State shall be taxed in proportion to its value:

20. That no title of nobility, hereditary emolument, privilege or distinction shall be granted, nor any office created, the duration of which shall be longer than the good behavior of the officer appointed to fill the same:

21. That the migration from this State cannot be prohibited:

22. That the military is, and in all cases and all times shall be in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of the army be made for a longer period than two years.

SCHEDULE.

SECTION 1. That no inconvenience may arise from the change of government, we declare that all writs, actions, prosecutions, judgments, claims, and contracts of individuals, and of bodies corporate, shall continue as if no change had taken place; and all process which may, before the third Monday in September next, be issued under authority of the Territory of Missouri, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Missouri, which are not repugnant to this Constitution, shall remain in force until they shall expire by their own limitation, or be altered or repealed by the General Assembly.

SEC. 3. All fines, penalties, forfeitures, and escheats, accruing to the Territory of Missouri, shall accrue to the use of the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the third Monday in September next, shall remain valid, and pass over to, and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or to any other officer or court in his official capacity, shall pass over to the Governor or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the third Monday in September next, and which shall then be depend-

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ing, shall be prosecuted to judgment and execution in the name of the State. All actions actions at law which now are, or which on the third Monday in September next may be, depending in any of the courts of record in the Territory of Missouri, may be commenced in, or transferred to any court of record of the State, which shall have jurisdiction of the subject matter thereof, and all suits in equity may, in like manner, be commenced in, or transferred to any court of chancery.

SEC. 5. All officers, civil and military, now holding commissions under the authority of the United States, or of the Territory of Missouri, shall continue to hold and exercise their respective offices until they shall be superseded under the authority of the State; and all such officers, holding commissions under the authority of the Territory of Missouri, shall receive the same compensation which they have hitherto received, in proportion to the time they shall be so employed.

SEC. 6. The first meeting of the General Assembly shall be at St. Louis, with power to adjourn to any other place; and the General Assembly, at the first session thereof, shall fix the seat of government until the first day of October, one thousand eight hundred and twenty-six; and the first session of the General Assembly shall have power to fix the compensation of the members thereof, any thing in the Constitution to the contrary notwithstanding.

SEC. 7. Until the first enumeration shall be made, as directed in this Constitution, the county of Howard shall be entitled to eight representatives; the county of Cooper to four representatives; the county of Montgomery to two representatives; the county of Lincoln to one representative; the county of Pike to two representatives; the county of St. Charles to three representatives; the county of St. Louis to six representatives; the county of Franklin to two representatives; the county of Jefferson to one representative; the county of Washington to two representatives; the county of Ste. Genevieve to four representatives; the county of Cape Girardeau to four representatives; the county of New Madrid to two representatives; the county of Madison to one representative; the county of Wayne to one representative; and that part of the county of Lawrence situated within this State shall attach to and form part of the county of Wayne, until otherwise provided by law, and the Sheriff of the county of Wayne shall appoint the judges of the first election, and the place of holding the same, in the part thus attached; and any person who shall have resided

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within the limits of this State five months previous to the adoption of this Constitution, and who shall be otherwise qualified as prescribed in the third section of the third article thereof, shall be eligible to the House of Representatives, anything in this Constitution to the contrary notwithstanding.

SEC. 8. For the first election of Senators, the State shall be divided into districts, and the appointment shall be as follows, that is to say: the counties of Howard and Cooper shall compose one district, and elect four senators; the counties of Montgomery and Franklin shall compose one district, and elect one senator; the county of St. Charles shall compose one district, and elect one senator; the counties of Lincoln and Pike shall compose one district, and elect one senator; the county of St. Louis shall compose one district, and elect two senators; the counties of Washington and Jefferson shall compose one district, and elect one senator; the county of Ste. Genevieve shall compose one district, and elect one senator; the counties of Madison and Wayne shall compose one district, and elect one senator; the counties of Cape Girardeau and New Madrid shall compose one district, and elect two senators; and in all cases where a senatorial district consists of more than one county, it shall be the duty of the Clerk of the county second named in that district to certify the returns of the senatorial election within their proper county to the Clerk of the county first named, within five days after he shall have received the same; and any person who shall have resided within the limits of this State five months previous to the adoption of this Constitution, and who shall be otherwise qualified as prescribed in the fifth section of the third article thereof, shall be eligible to the Senate of this State, any thing in this Constitution to the contrary notwithstanding.

SEC. 9. The President of the Convention shall issue writs of election to the Sheriffs of the several counties, (or in case of vacancy, to the coroners,) requiring them to cause an election to be held on the fourth Monday in August next, for a Governor, a Lieutenant Governor, a Representative in the Congress of the United States for the residue of the sixteenth Congress; a Representative for the seventeenth Congress; Senators and Representatives for the General Assembly; Sheriffs and Coroners; and the returns of all township elections held in pursuance thereof, shall be made to the Clerk of the proper county within five days after the day of election; and any person who shall reside within the limits of this State at the time of the adoption of this Constitution, and who shall be otherwise qualified as prescribed in the tenth

section of the third article thereof, shall be deemed a qualified elector, any thing in this Constitution to the contrary notwithstanding.

SEC. 10. The elections shall be conducted according to the existing laws of the Missouri Territory. The Clerks of the Circuit Courts of the several counties shall certify the returns of the election of Governor and Lieutenant Governor, and transmit the same to the Speaker of the House of Representatives at the temporary seat of government, in such time that they may be received on the third Monday of September next. As soon as the General Assembly shall be organized, the Speaker of the House of Representatives and the President *pro tempore* of the Senate shall, in the presence of both Houses, examine the returns, and declare who are duly elected to fill those offices; and if any two or more persons shall have an equal number of votes, and a higher number than any other person, the General Assembly shall determine the election in the manner hereinbefore provided: and the returns of the election for member of Congress shall be made to the Secretary of State within thirty days after the day of election.

SEC. 11. The oath of office herein directed to be taken, may be administered by any Judge or Justice of the Peace, until the General Assembly shall otherwise direct.

SEC. 12. Until a seal of State be provided, the Governor may use his private seal.

Done by the representatives of the people of Missouri, in Convention assembled, at the town of St. Louis, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States of America the forty-fifth.

DAVID BARTON,

President of the Convention, and

Representative from the county of St. Louis.

ATTEST, WM. G. PETTUS,

Secretary of the Convention.

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AMENDMENTS TO THE CONSTITUTION,

Proposed by the last General Assemby at their special session in June, one thousand eight hundred and twenty-one, and ratified by this General Assembly at their first session, begun and held at St. Charles, on the first Monday of November, one thousand eight hundred and twenty-two:

SECTION 1. The office of Chancellor is hereby abolished, and the supreme court and circuit courts shall exercise chancery jurisdiction in such manner and under such restriction as shall be prescribed by law. Passed in senate—yeas fifteen, nays one; ratified by the house of representatives—yeas forty-six, nays five.

SEC. 2. The Judicial power, as to matters of law and equity, shall be vested in a supreme court, in circuit courts, and in such inferior tribunals as the general assembly may, from time to time, ordain and establish: *Provided*, the general assembly may establish a court or courts of chancery, and from time to time prescribe the jurisdiction, powers and duties thereof. Passed in senate—yeas fifteen, nays one; ratified by the house of representatives—yeas forty-nine, nays two.

SEC. 3. The Judges of the supreme court and the Judges of the circuit courts, and Chancellor, shall, at stated times, receive a compensation for their services, to be fixed by law. Passed in senate—yeas twelve, nays four; ratified by the house of representatives—yeas forty-five, nays seven.

SEC. 4. No person holding an office of profit under the United States, and commissioned by the President, shall, during his continuance in such office, be eligible, appointed to, hold or exercise any office of profit under the State. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas forty-nine, nays two.

SEC. 5. So much of the thirteenth section of the fourth article of the Constitution of this State as provides that the compensation of the Governor shall never be less than two thousand dollars annually, shall be repealed. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas fifty-one.

SEC. 6. So much of the thirteenth section of the fifth article of the Constitution of this State as provides that the compensation of the Judges of the supreme and circuit courts and Chancellor shall never be less than two thousand dollars annually, shall be repealed. Passed in senate—yeas sixteen; ratified by the house of representatives—yeas fifty-one.

SEC. 7. The offices of the Judges of the supreme court and of the Judges of the circuit courts, shall expire at the end of the first session of the next general assembly of this State, or as soon as their successors are respectively elected and qualified. Passed in senate—yeas fourteen, nays two; ratified by the house of representatives—yeas forty, nays eleven.

WILLIAM H. ASHLEY,
President of the Senate.

HENRY S. GEYER,
Speaker of the House of Representatives, and member from St. Louis county.

AMENDMENTS TO THE CONSTITUTION.

Proposed by the General Assembly at *their last session*, begun and held at the City of Jefferson, on the third Monday of November, eighteen hundred and thirty-two, and ratified at *this session* of the General Assembly, begun and held at the City of Jefferson, on the third Monday of November, eighteen hundred and thirty-four.

SECTION 1. That the offices of the several judges of the circuit courts, within this State, shall be vacated on the first day of January, eighteen hundred and thirty-six. Passed in Senate—yeas fifteen, nays seven; ratified by the House of Representatives—yeas forty-eight, nays twenty-three.

SEC. 2. That so much of the fifteenth section of the fifth article of the Constitution of this State as provides that the courts respectively shall appoint their clerks, and that they shall hold their offices during good behavior, shall be and the same is hereby abolished. Passed in Senate—yeas fifteen, nays seven; ratified by the House of Representatives—yeas fifty, nays twenty-one.

SEC. 3. That the offices of the clerks of the several courts within this State shall be vacated on the first day of January, eighteen hundred and thirty-six, and the clerks of the Circuit and County Courts of the respective counties shall be elected by the qualified electors of their respective counties, and shall hold their offices for the term of six years, and until their successors are duly elected, commissioned and

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ants of the State, by the number of one hundred and forty; each county having said ratio, or less, shall be entitled to one representative; each county having said ratio and a fraction over, equal to three-fourths, shall be entitled to two representatives; each county having three times said ratio, shall be entitled to three representatives; each county having four times said ratio and a fraction over, equal to one-half, shall be entitled to four representatives; each county having six times said ratio, shall be entitled to five representatives; each county having ten times said ratio, shall be entitled to seven representatives; each county having thirteen times said ratio, shall be entitled to eight representatives; each county having fifteen times said ratio, shall be entitled to nine representatives; each county having eighteen times said ratio, shall be entitled to ten representatives; each county having twenty-two times said ratio, shall be entitled to eleven representatives; each county having twenty-four times said ratio, shall be entitled to twelve representatives; any county having more than twenty-four times said ratio, shall be represented in the same proportion. And the General Assembly, which shall meet in the year eighteen hundred and forty-eight, and every fourth year thereafter, shall apportion the number of representatives among the several counties as herein directed. And the members of the General Assembly shall receive, as compensation for their services, not to exceed three dollars per day for the first sixty days, and after that time not to exceed one dollar per day for the remainder of the session; except at a revising session, they may receive a compensation not to exceed three dollars per day for the first one hundred days, and one dollar per day for the remainder of the session; but the General Assembly may allow a greater compensation to the presiding officer of each house. No county now established by law shall ever be reduced by the establishment of new counties to less then twenty miles square, nor to less than five hundred square miles, nor below the ratio of representation then required; nor shall any county hereafter established be entitled to a separate representation, unless the number of permanent free white inhabitants therein shall, at the time, be equal to three-fourths of the ratio of representation then being, but may be organized with a smaller number for all other purposes, civil and military. The second, fourth,

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twenty-fourth and thirty-fourth sections of the third article of the Constitution are hereby abolished.

THOS. L. PRICE,
Lieutenant Governor and President of the Senate.
A. M. ROBINSON,
Speaker of the House of Representatives.

Resolved by the General Assembly of the State of Missouri, (two-thirds of each house concurring therein,) That the following amendment to the Constitution of this State, constitutionally proposed at the last General Assembly thereof, is hereby established, confirmed and ratified as an amendment to the Constitution of the State, as part of the same. The thirteenth section of the fifth article of the Constitution is hereby abolished, and the following is adopted in lieu thereof:

SEC. 13. The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint the Judges of the Supreme Court and the Judges of the Circuit Courts.

Each Judge of the Supreme Court shall be appointed for the term of twelve years, and each Judge of the Circuit Court shall be appointed for the term of eight years; and every appointment to fill a vacancy shall be for the residue of the term only; but in all cases the judge shall continue in office until a successor shall be appointed and qualified. The Judges of the Supreme Court and Circuit Courts shall be eligible to re-appointment. The offices of the several Supreme and Circuit Judges shall be vacated on the first day of March, eighteen hundred and forty-nine.

THOS. L. PRICE,
Lieutenant Governor and President of the Senate.
A. M. ROBINSON,
Speaker of the House of Representatives.

Resolved by the General Assembly of the State of Missouri, (two-thirds of each house concurring therein,) That the following amendment, constitutionally proposed to the Constitution of this State, at the last General Assembly thereof, is hereby established, confirmed, and ratified as part of the Constitution, to-wit:

That the fifth article of the Constitution be amended by adding the following section:

If there be a vacancy in the office of Judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a Judge of any other circuit, and at the request of the Judge of any circuit, any term of court in his circuit may be held by the Judge of any other circuit.

RATIFIED AT SESSION OF 1850–1.

SECTION 1. That, hereafter, the Judges of the Supreme Court shall be elected by the qualified electors of the State; and each shall hold his office for the term of six years only, but may continue in office until his successor shall be elected and qualified; and if any vacancy shall happen in the office of any Judge of the Supreme Court, by death, resignation, removal out of the State, or by any other disqualification, the Governor shall, upon being satisfied that a vacancy exists, issue a writ of election to fill such vacancy; but every election to fill a vacancy shall be for the residue of the term only. The General Assembly shall provide, by law, for the election of said judges by the qualified voters in the State; and in case of a tie or a contested election, between the candidates, the same shall be determined in the manner to be prescribed by law; and the General Assembly shall, also, provide for an election to fill any vacancy which shall occur at any time within twelve months preceding a general election for said judges. The first general election for Supreme Court Judges shall be on the first Monday in August, A. D. 1851, and on the first Monday in August every six years thereafter. If a vacancy shall occur in the office of a Supreme Court Judge less than twelve months before a general election for said judges, such vacancy shall be filled by an appointment by the Governor; and the judge so appointed shall hold his office only until the next general election for said judges.

SEC. 2. The offices of the several Supreme Court Judges shall be vacated on the first Monday in August, A. D. 1851; and all parts of the original Constitution, or of any amendment thereto, inconsistent with, or repugnant to, this amendment, are hereby abolished.

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RATIFIED AT THE SESSION OF 1850–1.

SECTION 1. That so much of the thirteenth section of the fifth article of the Constitution of this State, ratified at the present session of the General Assembly, as provides that the Govĕrnor shall nominate, and, by and with the advice and consent of the Senate, appoint the Judges of the Circuit Courts, and that each Judge of the Circuit Courts shall be appointed for the term of eight years, and that every appointment to fill a vacancy of such Judge shall be for the residue of the term only, is hereby abolished; and hereafter each Judge of the Circuit Courts shall be elected by the qualified electors of their respective circuits, and shall be elected for the term of six years, but may continue in office until his successor shall be elected and qualified; and if any vacancy shall happen in the office of any Circuit Judge, by death, resignation, removal out of his circuit, or by any other disqualification, the Governor shall, upon being satisfied that a vacancy exists, issue a writ of election to fill such vacancy: *Provided*, that said vacancy shall happen at least six months before the next general election for said Judge; but if such vacancy shall happen within six months of the general election aforesaid, the Governor shall appoint a Judge for such circuit; but every such election or appointment to fill a vacancy, shall be for the residue of the term only. And the General Assembly shall provide, by law, for the election of said Judges in their respective circuits; and, in case of a tie, or contested election, between the candidates, the same shall be determined in the manner to be prescribed by law. And the General Assembly shall provide, by law, for the election of said Judges in their respective circuits, to fill any vacancy which shall occur at any time at least six months before a general election for said judges. The first general election for Circuit Judges shall be on the first Monday in August, A. D. 1851, and on the first Monday in August every six years thereafter. No judicial circuit shall be altered or changed at any session of the General Assembly next preceding the general election for said judges. The offices of the several Circuit Judges shall be vacated on the first Monday in August, A. D. 1851.

RATIFIED AT THE SESSION OF 1850–1.

SECTION 1. That the twenty-first section of the fourth article of the Constitution of the State of Missouri be, and the same is hereby, abolished.

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SEC. 2. There shall be a Secretary of State, who shall be elected by the qualified voters of this State, at such time and in such manner as shall be provided by law. He shall hold his office for four years, unless sooner removed by an impeachment. He shall keep a register of the official acts of the Governor, and, when necessary, shall attest them; and he shall lay the same, together with all papers relating thereto, before either house of the General Assembly, whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

SEC. 3. The eighteenth section of the fifth article of the Constitution of the State of Missouri is hereby abolished.

SEC. 4. There shall be an Attorney General, who shall be elected by the qualified voters of this State, at such times and in such manner as shall be provided by law. He shall remain in office four years, and shall perform such duties as shall be required of him by law.

SEC. 5. The twelfth section of the fourth article of the Constitution of this State is hereby abolished.

SEC. 6. There shall be an Auditor of Public Accounts, who shall be elected by the qualified voters of this State, at such times and in such manner as shall be provided by law. He shall remain in office four years, and shall perform such duties as shall be required of him by law. His office shall be kept at the seat of government.

SEC. 7. The thirty-first section of the third article of the Constitution of this State is hereby abolished.

SEC. 8. A State Treasurer shall be elected by the qualified voters of this State, at such times and in such manner as shall be provided by law, who shall continue in office for four years, and who shall keep his office at the seat of government. No money shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of the public money shall annually be published.

SEC. 9. There shall be a Register of Lands elected by the qualified voters of this State, at such time and in such manner as shall be provided by law. He shall hold his office for four years, shall keep his office at the seat of government, and shall perform such duties as shall be required of him by law.

RATIFIED AT THE SESSION OF 1852-3.

SECTION 1. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them,

for such causes as may be specified by law: *Provided*, that such laws be general and uniform in their operations throughout the State.

RATIFIED AT THE SESSION OF 1854-5.

SECTION 1. That all that territory now known as the county of Schuyler is hereby declared to constitute a constitutional, county and, as such, shall be entitled to all the privileges, civil and political, which now belong to any county within the State of Missouri.

RATIFIED AT THE SESSION COMMENCING ON THE 29TH DAY OF DECEMBER, 1856.

Resolved by the General Assembly of the State of Missouri, (two-thirds of each house concurring therein,) That the following be proposed as an amendment to the Constitution of this State.

"That so much of the Constitution as was established, confirmed and ratified at and by the Fifteenth General Assembly of the State of Missouri, that reads as follows, be, and the same is hereby abolished, viz: "And the members of the General Assembly shall receive as compensation for their services, not exceeding three dollars per day, for the first sixty days; and, after that time, not to exceed one dollar per day for the remainder of the session, except at a revision session, they may receive a compensation not to exceed three dollars per day for the first one hundred days, and one dollar per day for the remainder of the session; but the General Assembly may allow a greater compensation to the presiding officers of each House."

RATIFIED AT THE SESSION COMMENCING ON THE 27TH DAY OF DECEMBER, 1858.

Resolved by the General Assembly of the State of Missouri, two-thirds of both Houses concurring, as follows:

"The public debt of this State, created by the issue of Bonds, or other State Securities, or by incurring any State liability whatever for the prosecution of internal im-

provements, or for any other purpose, shall never exceed the sum of thirty millions of dollars; and the Legislature shall have no power to create any State liability beyond this amount, except to repel invasion, or to suppress insurrection or civil war.

INCORPORATION OF THE TOWN OF ST. LOUIS.

The town of St. Louis was first incorporated on the 9th day of November, 1809, by the Court of Common Pleas for the District of St. Louis, upon the petition of two-thirds of the taxable inhabitants, under authority of an Act of the Legislature of the Territory of Louisiana, passed June 18, 1808, entitled "An Act concerning towns in this Territory." The Judges constituting the Court were SILAS BENT, President, and BERNARD PRATTE and LOUIS LABEAUME, Associates. The Charter granted by the Court was the only one under which the town existed until 1822, when it was incorporated as a city. It is to be found in the records of the court, in book A, page 334, in the following words:

"On petition of sundry inhabitants of the town of St. Louis, praying so much of said town as is included in the following limits to be incorporated, to wit: Beginning at Antoine Roy's mill, on the bank of the Mississippi, thence running sixty arpens west, thence south on said line of sixty arpens in the rear, until the same comes to the Barriere Denoyer, thence due south until it comes to the Sugar Loaf, thence due east to the Mississippi; from thence, by the Mississippi, to the place first mentioned; the Court having examined the said petition, and finding that the same is signed by two-thirds of the taxable inhabitants residing in said town, order the same to be incorporated, and the metes and bounds to be surveyed and marked, and a plat thereof filed of record in the clerk's office. And David Delaunay and William C. Carr are appointed Commissioners to superintend the first election of five trustees in pursuance of the law."

AN ACT

EXTENDING CERTAIN POWERS TO THE TRUSTEES OF THE CORPORATION OF THE TOWN OF ST. LOUIS.

Be it enacted by the General Assembly of the Territory of Missouri, as follows:

1. That the trustees of the town of St. Louis be, and they are hereby authorized to have a survey and plat of said town made by the county surveyor, and to ascertain and fix the exact dimensions, metes and boundaries of each street and town lot, according to the right and title of each claimant or owner of said lot or lots, having regard to all acts of Congress on the subject, and also to a plat of said town deposited with or recorded in the Recorder's office of this territory, so far as said plat may go or have been made.

2. That the lot or lots whereon Auguste Chouteau, Senior, now lives, shall first be ascertained and fixed, and the same shall then form the base or place of beginning for making out, ascertaining, and fixing the dimensions of each street and town lot within the plan or limits of said town. And the said surveyor shall make out three copies of said plat or survey, and return the same to the board of trustees for the town of St. Louis; one of which the said board of trustees shall lodge or file with the clerk of the county court for the county of St. Louis, and after the same shall be approved, as hereinafter provided, to be recorded by said clerk; and shall present another of the said plats to the General Assembly, which, if approved and sanctioned by the said General Assembly, shall thereafter be considered as the plat of the town of St. Louis.

3. That from and after the approval of said plat, as aforesaid, the board of trustees for the town of St. Louis may, whenever they think proper, proceed to give effect to such plat or survey, by removing, or causing to be removed, all obstructions in the streets, or encroachments thereon, or upon any lot or lots owned by any private person, as far as the same may be practicable. And if any person shall resist the authority of the trustees, exercised by them, or any officer by them appointed for the purpose of carrying into effect the

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provisions of this act, he, she, or they, on conviction thereof, before the chairman of the board, shall forfeit and pay, for the use of the town, twenty dollars, and for every successive offense the sum of fifty dollars. And each and every resistance of the authority aforesaid, for the purposes aforesaid, shall form a distinct offense.

4. That the trustees of the town of St. Louis shall, from and after the passage of this act, be vested with full power to license and regulate all ferries established within the limits of the same, and to apply the license money arising therefrom to the use of said town; *Provided*, that said board of trustees shall not have power to revoke any ferry license granted by the court of common pleas prior to this act.

5. That the said board of trustees shall have power to levy and collect a tax on said town, for paying the expense of making said plat or survey; *Provided*, they shall not have sufficient funds in their hands, or subject to their disposition, for said purposes.

6. That the lots shall be numbered progressively, beginning with the lot or lots of Auguste Chouteau, Senior, and the numbers marked or written on each lot in the plan.

7. That the said trustees shall also have power to give permanent names to each and every street within said town. And, for this purpose, they shall have power to alter or change the name of any street that may now be named; which name shall also be written on the space or spaces left in said plan as streets.

8. That all such part or parts of any law of this territory as may be inconsistent with the provisions of this act be and the same are hereby repealed.

This act shall take effect and be in force from and after the passage thereof.

Approved January 21, 1815.

AN ACT

TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That all that district of country contained within the following limits, to-wit: beginning at a point in the middle of the main channel of the Mississippi river, due east of the southern end of a bridge across Mill creek, at the lower end

of the town of St. Louis, thence due west to a point at which the western line of Seventh street, extended southwardly, will intersect the same; thence northwardly, along the western side of Seventh street, and continuing in that course to a point due west of the northern side of Roy's tower; thence due east to the middle of the main channel of the river Mississippi; thence with the middle of the main channel of the said river to the beginning: shall be, and is hereby erected into a city, by the name of the City of St. Louis; and the inhabitants thereof shall be and are hereby constituted a body politic and corporate, by the name and style of "The Mayor, Aldermen and citizens of the City of St. Louis," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive and hold property, real and personal, within the said city, and no other, (burial grounds excepted,) and may lease, sell, and dispose of the same, for the benefit of the city, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

2. That the corporate powers and duties of said city shall be vested in a mayor and a board of aldermen, who shall be chosen and appointed as hereinafter directed.

3. That the board of aldermen shall consist of nine members, for the election of whom the city shall be divided into convenient wards, which may be altered from time to time, and new wards established, as the convenience of the inhabtants may require, and the aldermen shall be appointed among the several wards according to the number of qualified electors in each.

4. That the aldermen shall be chosen by the qualified electors for the term of one year, shall be at least twenty-one years of age, and citizens of the United States, and inhabitants of the said city for one year next preceding their election, and shall each possess a freehold estate within the limits of the said city; and whenever there shall be a tie in the election of aldermen, it shall be determined by the judges of the election of the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance.

5. That the board of aldermen shall appoint their president and all other officers of the board, shall judge of the qualifications, elections and returns of their own members; a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may com-

of alderman) until the end of the session of the board of aldermen which shall next happen after the vacancy shall occur; he shall, from time to time, give to the board of aldermen information relative the state of the city, and shall recommend to their consideration such measures as he shall deem expedient; he may, on extraordinary occasions, convene the board of aldermen by proclamation, stating to them, when assembled, the object for which they were convened; he shall receive such compensation for his services as may be provided by ordinance.

11. That when any vacancy shall happen in the office of mayor, by death, resignation, removal or absence from the city, removal from office, refusal to qualify, or otherwise, the president of the board of aldermen, for the time being, shall exercise the office of mayor until such vacancy shall be filled; and during the time he shall so exercise such office shall receive the same compensation as the mayor would have been entitled to; and in case of vacancy, as aforesaid, other than a temporary absence, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation.

12. That the mayor and board of aldermen shall have power, by ordinance, to levy and collect taxes upon real and personal property, within the city, not exceeding one-half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to prevent the introduction of contagious diseases; to make quarantine laws for that purpose, and enforce the same within ten miles of the city, and within the jurisdiction of the State; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches and patrols, erect lamps in the streets and lighting the same; to improve and preserve the navigation of the Mississippi within the city; to erect, repair, and regulate public wharves and docks; to regulate the erecting and the rates of wharfage at private wharves: to regulate the stationing, anchorage and mooring of vessels; to provide for licensing, taxing and regulating auctions, retailers, ordinaries, and taverns, billiard tables, hackney carriages, wagons, carts, drays, pawnbrokers, venders of lottery tickets, money-changers, hawkers and peddlers, theatrical and other shows and amusements; to restrain and prohibit tippling houses, gaming, gaming houses, bawdy houses and other disorderly houses; to establish and repair bridges; to establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to provide the

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city with water; to provide for safe keeping standard weights and measures for the regulation of weights and measures, to be used in said city; to regulate the cleaning of chimneys, and fix the fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made and used within the city; to provide for the inspection of lumber, and other building materials to be sold or used therein; to regulate and order partition and parapet walls and partition fences; to regulate the inspection of butter, lard, wood, and the weight and quality of bread, the storage of gunpowder, tar, pitch, rosin, hemp, cotton and other combustible materials; to erect pumps in the streets, for the convenience of the inhabitants; to regulate the police of the city; to regulate the election of city officers and fix their compensation; and from time to time to pass such ordinances to carry into effect the objects of this act, and the powers hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof: *Provided*, that no tax shall be laid upon the wearing apparel, or necessary tools, or implements of any persons used in carrying on his trade, nor shall the same be subject to distress or sale for tax.

13. That upon the application of the holders of two-thirds of the front of the lots on any street or part of a street, it shall be lawful for the mayor and aldermen to levy and collect a special tax on the holders of the lots on said street or part of a street, according to their respective fronts, for the purpose of paving such street or part of a street, and upon a similar application to levy a tax in the same manner for the purpose of lighting the streets or erecting lamps therein.

14. That the mayor and aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys, within the limits of the city, and to extend, open and widen streets, avenues, lanes and alleys, making the person or persons injured thereby adequate compesation therefor; to ascertain which the mayor shall, in all such cases, cause to be summoned twelve good and lawful men, freeholders, inhabitants of said city, not directly interested, who (being first duly sworn for that purpose) shall inquire into, and take into consideration, as well the benefits as the inconveniences which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension or widening of any street, avenue, lane or alley; and shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating

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the person injured; all of which shall be returned to the mayor, under their hands and seals, and the person or persons who shall be benefited, and so assessed, shall pay the same in such manner as shall be provided for by ordinance, and the residue, if any, shall be paid out of the city treasury.

15. That every bill which shall have been passed by the board of aldermen, shall, before it becomes a law, be presented to the mayor for his approbation; if he approve, he shall sign it, if not, he shall return it with his objections to the board, and they shall re-consider the same; and if, after such re-consideration, a majority of the whole number elected shall pass the bill, it shall become a law; in all such cases the ayes and nays shall be entered on the journals; and if any bill shall not be returned to the board within three days after it shall have been delivered to the mayor as aforesaid, it shall become a law in the same manner as if he had approved it.

16. That the style of the laws of the said corporation shall be, "*Be it ordained by the Mayor and Board of Aldermen of the City of St. Louis;*" and all ordinances shall, within one month after they are passed, be published in some newspaper printed in said city.

17. That the mayor shall nominate, and, by and with the advice and consent of the board of aldermen, appoint a register of the city, who shall hold his office for the term of one year, unless sooner removed, who, before he enters upon the duties of his office, shall take and subscribe the oath hereinafter prescribed, and shall, moreover, give bond with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office; and it shall be his duty to keep a register of all the official acts of the mayor, and when necessary shall attest them; he shall perform the duties of clerk to the board of aldermen, when in session; he shall keep a book or books, wherein shall be entered all the proceedings of the board; which book shall, at all proper times, be open to the inspection of the inhabitants of the city; and he shall keep and preserve in his office all records, public papers and documents belonging to the city, and shall perform such other duties as shall be enjoined on him by ordinance.

18. That the mayor, and each of the aldermen, and every other officer of the corporation, shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace, to support the Constitution of the United States and of this State, and faithfully to demean himself in office.

19. That all property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees thereof, in their corporate capacity, shall be, and is hereby declared to be, vested in the corporation; and all suits commenced for and on behalf of the said trustees shall be prosecuted to judgment and execution as if this act had not passed; and all moneys arising therefrom, and all fines, penalties and forfeitures accruing to the said trustees, shall be paid to the mayor for the use of the city; and all ordinances now in force shall remain in force as ordinances of the said city until altered, modified or repealed by the said mayor and board of aldermen; all actions, fines, penalties, forfeitures, which shall have accrued, or may accrue, to the town of St. Louis, shall be vested in, and be prosecuted for, in the name of the corporation created by this act.

20. That a general election for the officers of the corporation shall be held on the first Monday of April, in each and every year, in the several wards of the said city, in such manner as the mayor and aldermen may by ordinance provide.

21. That all free white male persons, of the age of twenty-one years, and who have paid a city tax, shall be entitled to vote at all elections for city officers, and at all such elections the vote shall be by ballot.

22. That it shall be the duty of the mayor to nominate and appoint, and by and with the advice and consent of the board of aldermen, appoint a city constable, who shall, before entering upon the discharge of the duties of his office, take the oath of office by this act prescribed, and enter into bond to the said corporation, with sufficient security, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and recorded in the register's office; and the said constable shall possess the same powers, and perform the same duties, within the said city, as the constables in the different townships possess in their respective townships; and shall, moreover, execute and return all process which may be issued by the mayor, or any alderman, and such other duties as shall be prescribed by ordinance, and shall be entitled to the same compensation as sheriffs and constables in like cases.

23. That the first election for mayor and aldermen shall be held and conducted by the trustees of the town of St. Louis, or any two of them, at the office of the register of said town, which election shall be conducted according to the existing laws of the State regulating elections; and the said trustees, or any two of them, shall make out and deliver to each person elected, a certificate thereof, and the persons

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so elected shall take and subscribe the oath of office before some Judge or Justice of the Peace, which, being endorsed on such certificate, shall be certified by such Judge or Justice; and at such first election, all persons (otherwise qualified,) who have paid a corporation tax in the town of St. Louis, shall be entitled to a vote.

24. That the foregoing provisions of this act shall take effect as soon as they shall be accepted by the inhabitants of said town, and not before, in manner following, that is to say: an election shall be held on the first Monday of March next, by the trustees of said town, or a majority of them, at the office of the register of said town, at which all free white male persons, otherwise qualified, who have paid a corporation tax to the town of St. Louis, and who reside within the limits prescribed in the first section of this act, shall be entitled to vote; and at the said election, the voters shall vote by ballot "for or against the city charter," and if a majority of all the votes given shall be for the city charter, the said board of trustees shall determine on what day the first election for city officers shall be held, which shall not be more than two months, nor less than three weeks, after the acceptance of the charter, and shall cause a notice thereof to be published in some newspaper printed in said town, for at least two weeks before the day appointed for such election: but if the charter shall not be accepted as aforesaid, the said trustees may, from time to time, whenever they shall be petitioned to that effect by at least one hundred householders, residing within the limits aforesaid, cause an election to be held as aforesaid, until the charter shall be accepted, giving at least two weeks' previous notice of such election, by publication in some newspaper printed in said town; and when the charter shall be accepted as aforesaid, they shall proceed as hereinbefore provided, in case of the acceptance of the charter; and the officers, who shall be elected at the first election, shall continue in office until the first Monday in April then next following, and until their successors are duly elected and qualified: *Provided*, that the General Assembly may, at any time, repeal, alter, amend, or modify this act at pleasure.

Approved December 9, 1822.

AN ACT

IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS," AND AN ACT SUPPLEMENTARY THERETO.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That the mayor, aldermen and citizens of the City of St. Louis may purchase, receive and hold property, real and personal, within the limits of the city of St. Louis; and such other real and personal property, beyond the limits of said city, as may be actually necessary for the water works, for supplying the city with water from the Mississippi; and not exceeding ten acres, for the establishment of a hospital, for the reception of persons infected with contagious diseases, and for other purposes; and may lease, sell, and dispose of the same for the benefit of the city.

2. That the mayor and board of alderman shall have power, by ordinance, to regulate the inspection of beef, whisky, pork, flour and corn meal, in barrels.

3. That the seventh section of an act entitled An act supplementary to an act entitled an act to incorporate the inhabitants of the Town of St. Louis, be and the same is hereby repealed; and that the mayor and board of aldermen shall have power to regulate and fix the salaries of the different officers by ordinance.

4. That the aldermen shall have power to nominate, and, by and with the consent of the mayor, may appoint an assessor, whose duties shall be prescribed by ordinance.

5. That the citizens within the limits of the said corporation of the city of St. Louis shall be exempt from working any road or roads beyond the limits of the corporation, or from paying any tax to procure laborers to work upon said road or roads.

6. That the mayor and board of aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the city, and to establish, open, widen and extend all such streets, avenues, lanes and alleys; and when it shall be necessary to take private property for any public street, lane or avenue, a just compensation shall be made therefor; and when the amount of such compensation shall not be agreed upon between the mayor, aldermen, and the person injured, the mayor shall cause an inquest thereof to

be made by a jury of twelve good and lawful men, freeholders of the city, and not directly interested, who, being duly sworn by the mayor, shall estimate and assess the damages which would be sustained by the person or persons whose property is so taken, and shall return their verdict, under their hands, to the mayor. And in opening, widening, or in any manner altering alleys through the blocks or squares of the said city, the same proceedings shall be had as in the case of public streets, avenues and lanes aforesaid, with this addition, that the jury of inquest shall assess not only the damages which will accrue to the owner of the property taken, but also the amount of benefit which will accrue to such persons as shall have petitioned the mayor for the opening, widening or altering such alley; and the mayor and aldermen may provide by ordinance for forcing the payment of such assessments; and the mayor shall have power, for good cause shown within ten days after the return to him of any inquest in virtue of this section, to set the same aside, and have a new inquest taken. And the mayor and aldermen shall have power to provide by ordinance for the assessment and payment of reasonable fees to the jury and the constable. And the fourteenth section of the "Act to incorporate the inhabitants of the Town of St. Louis," is hereby repealed.

7. That the city assessor, to be appointed in manner aforesaid, shall, every second year, at the time of making the assessment, take a census and enumeration of all the inhabitants of the city, and in such manner as shall be prescribed by ordinance; and, immediately after the taking and return of such census and enumeration, it shall be the duty of the corporate authorities of the city to arrange and reform the wards of the city in such manner as to make them, as nearly as may be, equal in qualified voters.

8. That the mayor and board of aldermen shall have the exclusive right to license ferries and billiard tables within the limits of the city, and also the exclusive right, by ordinance, to regulate, restrain, punish or suppress the keeping of ferries and billiard tables in said city; and all the net proceeds of all moneys arising under the rights and powers granted by this section, whether by licenses, fines, forfeitures, penalties, or otherwise, shall be appropriated and be applied to the support of such public hospital as may be, or as is now established in or near the said city by law.

9. That whenever any tract or parcel of land, adjoining the city of St. Louis, shall be laid off as a town into streets and lots, and a petition shall be presented to the mayor and aldermen of said city, signed by two-thirds of the persons

who own such tract or parcel of land, praying that the same may be annexed to and form a part of the city, the mayor and board of aldermen shall cause a poll to be opened at the next general election in said city, and require the qualified voters, at the time of voting for mayor and aldermen, to vote for or against the admission into the city of the tract or parcel of land so prayed to be annexed thereto. And if three-fifths of the qualified voters of the city shall be in favor of such admission, such tract or parcel of land shall become a part or parcel of the city to all intents and purposes, as fully and perfectly as if the same had been included within the original limits of the same; and the mayor and board of aldermen shall cause a record thereof to be made and deposited in the archives of said city.

10. That all such parts of the act to which this is a supplement as are contrary to or inconsistent with the provisions of this act, be and the same are hereby repealed. This act shall take effect from and after the passage thereof.

Approved January 15, 1831.

AN ACT

IN ADDITION TO AN ACT INCORPORATING THE INHABITANTS OF THE TOWN OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That the City of St. Louis shall, after the first day of April, eighteen hundred and thirty-three, be divided into four wards, the boundaries of which shall be fixed by the proper authority of said city, and may be changed from time to time, according to law, as the change in population may require; and the authorities of the city may establish new wards whenever, in their judgment, the interests of the inhabitants may require it; and every ward, whether now in being, or hereafter to be established, shall have the right to elect three aldermen, so that the board of aldermen shall, at all times, consist of three members from each ward.

2. That the mayor and board of aldermen shall have the exclusive right to license, regulate and restrain the keeping of ferries and billiard tables within the limits of the city; and also the right to punish or entirely suppress the keeping of billiard tables within the city; and the net proceeds of all moneys arising under the rights and powers granted by this section, whether by license, fines, forfeitures or otherwise,

shall be appropriated and applied to the support of such hospital as is or may be established in or near the said city, as the mayor and board of aldermen, by ordinance, may from time to time direct.

3. That whenever any tract or parcel of land, adjoining the city of St. Louis, shall be laid off as a town into streets and lots, and a petition shall be presented to the mayor and board of aldermen of said city, by the proprietors of the major part of such tract or parcel of land, praying that the same may be annexed to and form a part of the city, the mayor and board of aldermen shall cause polls to be opened at the next general election of city officers, and require the electors, at the time of voting for mayor and aldermen, to vote for or against the admission into the city of the tract or parcel of land so prayed to be annexed thereto; and if a majority of all the electors of the city shall be in favor of such admission, such tract or parcel of land shall thenceforth be part and parcel of the city, to all intents and purposes; and the mayor and board of aldermen shall cause a record thereof to be made and deposited in the archives of the city.

4. That the act to incorporate the inhabitants of the town of St. Louis, and all other acts of the General Assembly made as additions or supplements thereto, are hereby declared to be public laws, to be received and recognized in all courts and places, without requiring any proof thereof other than is required of the other public laws of the State. And all ordinances of the city may be proven by the seal of the corporation; and when printed and published in book form, and purporting to be so printed by authority of the corporation, the same may be received in evidence in all courts and places without further proof.

5. That the eighth and ninth sections of "An act in addition to an act entitled an act to incorporate the inhabitants of the town of St. Louis," and the act supplementary thereto, approved the fifteenth of January, eighteen hundred and thirty-one, be and the same are hereby repealed.

Approved January 16, 1833.

AN ACT

TO INCORPORATE THE INHABITANTS OF THE TOWN OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That all that district of country contained within the following limits, to-wit: beginning at a point in the middle

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6. That the mayor shall be elected by the voters of the city, and shall hold his office for the term of one year and until his successor be duly elected and qualified.

7. That the mayor shall be at least thirty years of age, a citizen of the United States, shall have resided within the city for at least two years next preceding his election, and shall possess a freehold estate within the limits of the city.

8. That no person shall be mayor who, at the time of his election, shall hold any office of honor, trust, or profit, under the United States.

9. That if the mayor, during his continuance in office, shall receive any office of honor, trust, or profit, under the United States, his office of mayor shall thereby immediately become vacated.

10. That the board of aldermen shall, at all times, consist of three members from each ward of the city.

11. That the aldermen shall be chosen by the voters of each ward, and shall hold their offices for the term of one year, and until their successors be duly elected and qualified.

12. That each alderman shall be at least twenty-one years of age, a citizen of the United States, an inhabitant of the city for the term of one year next preceding his election, and shall possess a freehold estate within the limits of the city.

13. That if the mayor or any alderman, during his continuance in office, shall cease to possess a freehold estate within the limits of the city, his office shall immediately thereby become vacated.

14. That the mayor, aldermen, and all other officers of the city, shall, during their continuance in office, reside within the limits of the city.

15. That if the mayor, any alderman, or other officer of the corporation, shall cease to reside within the limits of the city, his office shall thereby immediately become vacated.

16. That where two or more persons shall have an equal number of votes for the office of mayor, the board of aldermen shall determine, by lot, which of such persons shall be mayor.

17. That whenever there shall be a tie in the election of aldermen, the judges of election of the ward in which it shall happen, shall determine the same by lot.

18. That whenever any election for mayor or aldermen shall be contested, it shall be determined by the board of aldermen.

19. That all vacancies that shall occur in the board of aldermen shall be filled by election, in such manner as shall be provided by ordinance.

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27. That the mayor, or any five members of the board of aldermen, may call special meetings of the board of aldermen, by giving one day's notice thereof, in writing, to the members of the board.

28. That whenever a special meeting of the board of aldermen shall be called by the mayor, he shall state to them, when assembled, the cause for which they have been assembled.

29. That the mayor and aldermen shall be conservators of the peace throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace in matters of a criminal nature, and shall exercise all powers and perform all the duties which may be vested in or required of them by ordinance.

30. That the mayor, aldermen, and each justice of the peace within the city, shall have jurisdiction of all cases arising under this act and under all ordinances of the city, subject, however, to an appeal in all cases to the circuit court of St. Louis county, and every such appeal shall be granted and taken in the same manner as appeals are granted by and taken from justices of the peace to the circuit court, under the general law of the State.

31. That whenever any vacancy shall happen in the office of mayor, the president of the board of aldermen shall exercise the duties and receive the compensation of mayor until such vacancy shall be filled.

32. That the mayor and board of aldermen shall have power within the city to levy and collect taxes, not exceeding one-half of one per centum, upon all property and persons made taxable by law for State purposes; to make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city; they shall have power by ordinance, within the city, to establish hospitals; to make regulations to secure the general health of the inhabitants of the city; to prevent and remove nuisances; to divide the city into wards; to establish night watches and patrols; to erect lamps in the streets; to provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to regulate, pave and improve the streets, avenues, lanes, and alleys, within the city; and to establish, open, widen and extend all such streets, avenues, lanes and alleys; to establish and repair bridges; to establish and regulate markets; to improve and preserve the navigation of the

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33. Every ordinance which the board of aldermen shall pass, before it becomes a law, shall be presented to the mayor for his approbation.

34. If the mayor shall not approve an ordinance presented to him for approbation, he shall return it to the board of aldermen with his objections; and the board shall re-consider the ordinance so returned, and if, after such re-consideration, a majority of the whole number of alermen elected shall pass the ordinance, it shall become a law.

35. If any ordinance shall nov be returned to the board of aldermen within three days after it shall have been delivered to the mayor for his approbation, it shall become a law in the same manner as if he had approved it.

36. The style of the ordinances of the city shall be, "Be it ordained by the mayor and board of aldermen of the City of St. Louis."

37. All ordinances passed by the board of aldermen shall, within one month after they have become a law, be published in some newspaper published in the city.

38. All ordinances of the city may be proved by the seal of the corporation, and when printed and published in book form, and purporting to be so printed by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

39. When it shall be necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is taken; and, if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

40. In opening, widening, or altering alleys through the blocks or squares of the city, the same proceedings shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that will accrue to the person whose property is taken, or to those who may have petitioned for the opening, widening or altering of such alley.

41. When the owners of all the property where a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the mayor and board of aldermen may open, widen or alter such street, lane, avenue or alley upon conditions to be prescribed by them; but no compensation shall be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of the

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amount of benefit that may accrue thereby to any of the petitioners.

42. All jurors empannelled to inquire into the amount of damages or benefits which shall happen to the owners of property upon any street, lane, avenue or alley, to be opened, widened or altered, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

43. The mayor and board of aldermen shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for opening, widening or altering such alley.

44. The mayor shall have power, for good cause shown, within ten days after the return to him for any inquest, to set the same aside, and cause a new inquest to be made.

45. Upon the application of the holders of two-thirds of the front of the lots on any street, or part of a street, it shall be lawful for the mayor and board of aldermen, by ordinance, to levy and collect a special tax on the holders of the lots on said street or part of street, according to the respective fronts owned by them, for the purpose of paving such street, or part of a street, and upon similar application, to levy and collect a tax in the same manner, for the purpose of lighting the streets.

46. The mayor and board of aldermen shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, shall be redeemed.

47. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall perform the duties of clerk to the board of aldermen when in session; he shall keep a book or books, wherein shall be entered all the proceedings of the board; he shall keep and preserve in his office all records, public papers, and documents, belonging to the city; and he shall perform all such other and further duties as the board of aldermen may enjoin on him.

48. There shall be a city constable, who shall possess within the city, in matters of a criminal nature, arising under the laws of the State, the same powers, perform the same duties, and receive the same compensation, as the constable of St. Louis township; he shall execute and return all process issued by the mayor, any alderman, or justice of the peace, under this act or any ordinance of the city; and he shall

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perform all such other acts and duties as shall be enjoined on him by ordinance.

49. The city register and the city constable shall each hold his office for the term of one year, and until his successor shall be duly appointed and qualified; but he may sooner be removed from office for any misdemeanor, or by a vote of two-thirds of all the members of the board of aldermen elected.

50. The city register and the city constable shall each, before entering upon the discharge of the duties of his office, give bond to the mayor, for the use of the city, with sufficient security to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office.

51. The mayor, each alderman, and each officer of the corporation, shall, before entering upon the discharge of the duties of his office, take and subscribe an oath or affirmation before some judge or justice of the peace, that he will support the Constitution of the United States and of this State, and faithfully demean himself in office.

52. A general election for all officers of the corporation required to be elected by this act, or by any ordinance of the city, shall be held on the first Monday of April in each year.

53. At all elections for city officers the voters shall vote by ballot.

54. All free white male persons of the age of twenty-one years, who shall have resided within the city for twelve months next preceding the election, and who shall have paid a city tax; and all free white male inhabitants of this State, of the age of twenty-one years, who shall own any real estate within the city, and who shall have paid a city tax therefor, shall be entitled to vote at all elections for city officers.

55. Persons disqualified to vote at general elections shall not vote at city elections.

56. That the inhabitants of the city of St. Louis are hereby exempted from working on any road or roads beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

57. That the net amount of moneys accruing from the licensing of billiard tables and ferries, and all fines and forfeitures accruing for violations of ordinances concerning ferries, billiard tables, and the prevention or suppressing of gaming, shall be appropriated and applied to the support of such hospital as now is or may hereafter be established in or near the city, in such manner as the mayor and board of aldermen may from time to time direct.

58. That the board of aldermen shall cause to be published,

Figure 1.1 Illustration of the Gaussian distribution in one dimension.

Figure 1.2 Illustration of the Gaussian distribution in two dimensions.

Figure 1.3 Illustration of the Gaussian distribution in three dimensions.

Figure 1.4 Illustration of the Gaussian distribution in four dimensions.

Figure 1.5 Illustration of the Gaussian distribution in five dimensions.

Figure 1.6 Illustration of the Gaussian distribution in six dimensions.

Figure 1.7 Illustration of the Gaussian distribution in seven dimensions.

Figure 1.8 Illustration of the Gaussian distribution in eight dimensions.

Figure 1.9 Illustration of the Gaussian distribution in nine dimensions.

Figure 1.10 Illustration of the Gaussian distribution in ten dimensions.

Figure 1.11 Illustration of the Gaussian distribution in eleven dimensions.

Figure 1.12 Illustration of the Gaussian distribution in twelve dimensions.

Figure 1.13 Illustration of the Gaussian distribution in thirteen dimensions.

Figure 1.14 Illustration of the Gaussian distribution in fourteen dimensions.

Figure 1.15 Illustration of the Gaussian distribution in fifteen dimensions.

Figure 1.16 Illustration of the Gaussian distribution in sixteen dimensions.

Figure 1.17 Illustration of the Gaussian distribution in seventeen dimensions.

Figure 1.18 Illustration of the Gaussian distribution in eighteen dimensions.

Figure 1.19 Illustration of the Gaussian distribution in nineteen dimensions.

Figure 1.20 Illustration of the Gaussian distribution in twenty dimensions.

Figure 1.21 Illustration of the Gaussian distribution in twenty-one dimensions.

Figure 1.22 Illustration of the Gaussian distribution in twenty-two dimensions.

Figure 1.23 Illustration of the Gaussian distribution in twenty-three dimensions.

Figure 1.24 Illustration of the Gaussian distribution in twenty-four dimensions.

Figure 1.25 Illustration of the Gaussian distribution in twenty-five dimensions.

Figure 1.26 Illustration of the Gaussian distribution in twenty-six dimensions.

Figure 1.27 Illustration of the Gaussian distribution in twenty-seven dimensions.

Figure 1.28 Illustration of the Gaussian distribution in twenty-eight dimensions.

Figure 1.29 Illustration of the Gaussian distribution in twenty-nine dimensions.

Figure 1.30 Illustration of the Gaussian distribution in thirty dimensions.

Figure 1.31 Illustration of the Gaussian distribution in thirty-one dimensions.

Figure 1.32 Illustration of the Gaussian distribution in thirty-two dimensions.

Figure 1.33 Illustration of the Gaussian distribution in thirty-three dimensions.

Figure 1.34 Illustration of the Gaussian distribution in thirty-four dimensions.

Figure 1.35 Illustration of the Gaussian distribution in thirty-five dimensions.

Figure 1.36 Illustration of the Gaussian distribution in thirty-six dimensions.

Figure 1.37 Illustration of the Gaussian distribution in thirty-seven dimensions.

Figure 1.38 Illustration of the Gaussian distribution in thirty-eight dimensions.

Figure 1.39 Illustration of the Gaussian distribution in thirty-nine dimensions.

Figure 1.40 Illustration of the Gaussian distribution in forty dimensions.

Figure 1.41 Illustration of the Gaussian distribution in forty-one dimensions.

Figure 1.42 Illustration of the Gaussian distribution in forty-two dimensions.

Figure 1.43 Illustration of the Gaussian distribution in forty-three dimensions.

Figure 1.44 Illustration of the Gaussian distribution in forty-four dimensions.

Figure 1.45 Illustration of the Gaussian distribution in forty-five dimensions.

Figure 1.46 Illustration of the Gaussian distribution in forty-six dimensions.

Figure 1.47 Illustration of the Gaussian distribution in forty-seven dimensions.

Figure 1.48 Illustration of the Gaussian distribution in forty-eight dimensions.

Figure 1.49 Illustration of the Gaussian distribution in forty-nine dimensions.

Figure 1.50 Illustration of the Gaussian distribution in fifty dimensions.

Figure 1.51 Illustration of the Gaussian distribution in fifty-one dimensions.

Figure 1.52 Illustration of the Gaussian distribution in fifty-two dimensions.

Figure 1.53 Illustration of the Gaussian distribution in fifty-three dimensions.

Figure 1.54 Illustration of the Gaussian distribution in fifty-four dimensions.

Figure 1.55 Illustration of the Gaussian distribution in fifty-five dimensions.

Figure 1.56 Illustration of the Gaussian distribution in fifty-six dimensions.

Figure 1.57 Illustration of the Gaussian distribution in fifty-seven dimensions.

Figure 1.58 Illustration of the Gaussian distribution in fifty-eight dimensions.

Figure 1.59 Illustration of the Gaussian distribution in fifty-nine dimensions.

Figure 1.60 Illustration of the Gaussian distribution in sixty dimensions.

Figure 1.61 Illustration of the Gaussian distribution in sixty-one dimensions.

Figure 1.62 Illustration of the Gaussian distribution in sixty-two dimensions.

Figure 1.63 Illustration of the Gaussian distribution in sixty-three dimensions.

Figure 1.64 Illustration of the Gaussian distribution in sixty-four dimensions.

Figure 1.65 Illustration of the Gaussian distribution in sixty-five dimensions.

Figure 1.66 Illustration of the Gaussian distribution in sixty-six dimensions.

Figure 1.67 Illustration of the Gaussian distribution in sixty-seven dimensions.

Figure 1.68 Illustration of the Gaussian distribution in sixty-eight dimensions.

Figure 1.69 Illustration of the Gaussian distribution in sixty-nine dimensions.

Figure 1.70 Illustration of the Gaussian distribution in seventy dimensions.

Figure 1.71 Illustration of the Gaussian distribution in seventy-one dimensions.

Figure 1.72 Illustration of the Gaussian distribution in seventy-two dimensions.

Figure 1.73 Illustration of the Gaussian distribution in seventy-three dimensions.

Figure 1.74 Illustration of the Gaussian distribution in seventy-four dimensions.

Figure 1.75 Illustration of the Gaussian distribution in seventy-five dimensions.

Figure 1.76 Illustration of the Gaussian distribution in seventy-six dimensions.

Figure 1.77 Illustration of the Gaussian distribution in seventy-seven dimensions.

Figure 1.78 Illustration of the Gaussian distribution in seventy-eight dimensions.

Figure 1.79 Illustration of the Gaussian distribution in seventy-nine dimensions.

Figure 1.80 Illustration of the Gaussian distribution in eighty dimensions.

Figure 1.81 Illustration of the Gaussian distribution in eighty-one dimensions.

Figure 1.82 Illustration of the Gaussian distribution in eighty-two dimensions.

Figure 1.83 Illustration of the Gaussian distribution in eighty-three dimensions.

Figure 1.84 Illustration of the Gaussian distribution in eighty-four dimensions.

Figure 1.85 Illustration of the Gaussian distribution in eighty-five dimensions.

Figure 1.86 Illustration of the Gaussian distribution in eighty-six dimensions.

Figure 1.87 Illustration of the Gaussian distribution in eighty-seven dimensions.

Figure 1.88 Illustration of the Gaussian distribution in eighty-eight dimensions.

Figure 1.89 Illustration of the Gaussian distribution in eighty-nine dimensions.

Figure 1.90 Illustration of the Gaussian distribution in ninety dimensions.

Figure 1.91 Illustration of the Gaussian distribution in ninety-one dimensions.

Figure 1.92 Illustration of the Gaussian distribution in ninety-two dimensions.

Figure 1.93 Illustration of the Gaussian distribution in ninety-three dimensions.

Figure 1.94 Illustration of the Gaussian distribution in ninety-four dimensions.

Figure 1.95 Illustration of the Gaussian distribution in ninety-five dimensions.

Figure 1.96 Illustration of the Gaussian distribution in ninety-six dimensions.

Figure 1.97 Illustration of the Gaussian distribution in ninety-seven dimensions.

Figure 1.98 Illustration of the Gaussian distribution in ninety-eight dimensions.

Figure 1.99 Illustration of the Gaussian distribution in ninety-nine dimensions.

Figure 1.100 Illustration of the Gaussian distribution in one hundred dimensions.

AN ACT

TO AUTHORIZE THE SALE OF THE ST. LOUIS COMMONS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That at the next general election for the mayor and aldermen, in the city of St. Louis, a separate poll shall be opened to determine whether the proprietors of the commons of St. Louis consent to the sale of the same or not, and each free white owner of a lot, or any part thereof, within the limits of the former town of St. Louis, as it was limited on the 13th day of June, 1812, of twenty-one years of age, and not disqualified to vote at general elections, and the guardians of such owners as may be under that age, shall be entitled to vote upon that question, and each voter shall state which of the following modes of disposing of the proceeds of the said commons he prefers:

First, The one-tenth shall go to the board of president and directors of the St. Louis public schools, to be applied by them for the support of public schools in said city, the balance to be paid into the city treasury, to be applied to city purposes.

Second, The one-fourth shall go to the board of president and directors of the St. Louis public schools, to be applied by them to the support of public schools in said city, the balance to be paid into the city treasury, to be applied to city purposes.

Third, The one-half to go to the board of president and directors of the St. Louis public schools, to be applied by them for the support of public schools in said city, the balance to be paid into the city treasury, to be applied to city purposes; and the majority of votes given for either of the said modes shall decide, and the proceeds thereof shall be applied accordingly, and in no other manner.

2. That if a majority of such owners shall consent to the sale of the commons, then the mayor and board of aldermen of the city of St. Louis are hereby authorized to sell the commons belonging to the inhabitants of the city of St. Louis, in the manner and upon the conditions hereinafter expressed.

3. That the board aforesaid shall cause the said commons to be surveyed and laid off into lots, not smaller than one acre, nor larger than forty acres, and at the time of the sur-

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vey shall lay out in said commons such roads, lanes, streets, or alleys, as they may deem necessary; and all roads, lanes, streets, or alleys, so laid out, are hereby declared to be reserved for public use. The mayor and board aforesaid shall cause a plat of said survey to be made out and recorded in the office of the recorder of St. Louis county.

4. That the said board shall cause the lots so laid out, or such portion of them as they may think proper, to be sold at public auction to the highest bidder.

5. That upon any sale so made the purchaser shall not pay the amount which he has bid for any lot, but shall pay on the purchase money an interest of five per cent. a year, as a yearly rent.

6. That at the end of fifty years from the day of such sale, and every fifty years thereafter, then each lot sold as aforesaid shall be assessed by the public assessor, and the purchaser shall then pay, as a yearly rent, five per cent. a year upon the value of the lot as aforesaid.

7. That, should the interest thus reserved remain unpaid for six months after the same shall have become due, the said board may, by resolution, to be entered of record on the minutes of their proceedings, annul the sale of the lot on which such interest shall have become due, and may again dispose of the same in the manner and under the conditions prescribed by this act.

8. That at the expiration of ten years from the day of sale of any lot, or at any time after the expiration of ten years from the day of sale of any lot, if the annual rent due thereon shall have been fully paid, the purchaser shall be entitled to receive a deed in fee simple for said lot, with special warranty only against the claim of the inhabitants of the city of St. Louis, and all persons claiming under them, upon his paying the amount which he has bid for said lot at the time of sale.

9. That upon all sales made as aforesaid, it shall be the duty of the said mayor and board to execute and deliver to each purchaser a deed for the lot purchased, which deed shall be executed in duplicate in the manner in which deeds are usually executed by said mayor and board, shall be signed and acknowledged by the purchaser, and shall contain all the conditions of sale specified in this act, and such other provisions as the said mayor and board may establish to secure the payment and collection of the annual interest to be reserved as aforesaid.

10. That if the purchaser of any lot shall neglect or refuse to execute the duplicate deed, as required by the preceding

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section, the board of aldermen may again sell such lot under the conditions and provisions of this act; and if it shall then not sell for as much as was bid therefor at the previous sale, the said board may recover the difference with costs, by action of debt, before any justice of the peace of the township in which the defendant may reside, in the name of the mayor, aldermen and citizens of the city of St. Louis, against the person neglecting or refusing as aforesaid.

11. That the mayor and board of aldermen are empowered to fix the time and place at which sales shall be made under the requirements of this act, to define the time and manner in which the annual interest to be paid the purchasers of lots shall be collected, by what officer it shall be collected, and the compensation that he shall receive for his services in collecting.

12. That before any sale shall be made under this act, it shall be the duty of the said board to cause a notice of the time, place and terms of the sale to be published at least four weeks successively, prior to the day of sale, in all the newspapers published in the city of St. Louis.

13. That the mayor and board of aldermen aforesaid are empowered to settle or compromise, on the most advantageous terms, with all persons having claims within the common, conflicting with the claim of the inhabitants of the city of St. Louis. The mayor and board of aldermen are hereby empowered to grant in fee simple, without any warranty, to the county of St. Louis, out of said common, a tract of land not exceeding in quantity one hundred acres, to be used by the county court of said county for the establishment of a poor-house under the provisions of an act entitled "an act to provide for the erection of a house for the employment and support of the poor in the county of St. Louis," approved January the first, eighteen hundred and twenty-seven.

14. That the said mayor and board are hereby authorized to perform all such other acts as may be necessary to carry into full effect the provisions of this act, according to the true intent and meaning thereof.

15. This act shall be deemed and taken as a public statute, and may be read and used in all courts and places, as other public laws are, without proof.

Approved March 18, 1835.

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AN ACT

SUPPLEMENTARY AND AMENDATORY TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SALE OF THE ST. LOUIS COMMONS."

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That all persons, their heirs and assigns, who became purchasers of the St. Louis commons heretofore sold, in pursuance of an act of the General Assembly, approved March eighteenth, eighteen hundred and thirty-five, be, and they are hereby authorized, at any time, at their own election, to pay to the constituted authorities of the city of St. Louis the amount of the original purchase money, which they may have bid at the sale of said commons, together with the interest up to the date of payment, and receive a deed, as fully as if the time had expired for the receipt of the same, under the act to which this is supplementary and amendatory.

2. That the mayor and board of aldermen are hereby authorized and empowered, upon the tender of any purchaser, his heirs or assigns, of the amount of purchase money as above specified, for any lot or lots heretofore sold out of the St. Louis commons, to receive the same, and execute a deed or deeds to said purchaser, as fully as if the time specified in the act to which this is supplementary and amendatory had expired, and with the like warranty and covenants.

This act to take effect and be in force from and after the passage thereof.

Approved January 18, 1837.

AN ACT

TO INCORPORATE THE CITY OF ST. LOUIS.

ARTICLE I.

Of Boundaries and General Powers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That all that district of country in the county of St. Louis, contained within the following limits, to-wit: beginning at a point in the middle of the main channel of the Mississippi river, due east of the mouth of "Mill creek," so

called, thence due west to the mouth of said creek; thence up the centre of the main channel of said creek, to a point where the southern side of Rutgers street produced shall intersect the same; thence westwardly, along the southern side of said street, to the intersection of the same with the western line of Seventh street, produced; thence, northwardly, along the western line of Seventh street to the northern line of Biddle street; thence, eastwardly, with the northern line of Biddle street to the western line of Broadway; thence, northwardly, with the western line of Broadway to a point where the southern boundary of survey number six hundred and seventy-one produced shall intersect the same; thence, eastwardly, along the southern boundary of said survey to the Mississippi river; thence, due east to the middle of the main channel of the Mississippi river; thence, down with the middle of the main channel of said river to the place of beginning, is hereby erected into a city, to be called "*the City of St. Louis.*"

2. That the city shall be divided into four wards, the boundaries of which shall be those now fixed by the ordinances of the city of St. Louis, but such boundaries may be changed and additional wards erected, as hereinafter provided.

3. That whenever any tract of land adjoining the city of St. Louis shall have been laid off as a town, or as an addition to or suburb of said city, and a petition shall be presented to the mayor and city council, by the owners of the greater part of such tract of land, praying that the same may be annexed to and form a part of the city of St. Louis, the mayor and city council shall cause polls to be opened at the next general election for city officers, and require the voters, at the time of voting for city officers, to vote for or against the admission into the city of the tract of land prayed to be annexed thereto; and if a majority of all those who voted at such election shall be in favor of such admission, such tract of land shall thenceforth become part and parcel of the city, to all intents and purposes, and the mayor and city council shall cause the fact of such admission to be certified under the seal of the city, and the certificate thereof to be filed in the register's office.

4. That the inhabitants of said city shall be and remain a body politic and corporate, by the name and style of "the City of St. Louis," and by that name they and their successors shall be known in law, and shall have power—

First. To make and use a common seal.

Second. To sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever.

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Third. To purchase, receive and hold property, real and personal, within said city.

Fourth. To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, for the erection and use of water-works, hospitals, alms-houses, and work-houses, or for public grounds for the use of the inhabitants of the city.

Fifth. To sell, lease, convey or dispose of property, real and personal, for the benefit of the city.

Sixth. To improve and protect such property, and to do all other things in relation thereto, as natural persons.

ARTICLE II.

Of the City Council.

1. That there shall be a city council, to consist of a board of aldermen and a board of delegates.

2. That the board of delegates shall be composed of three members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. That the board of aldermen shall consist of two members for each ward, to be chosen by the qualified voters for two years.

4. That no person shall be an alderman or delegate unless, at the time of his election, he be a citizen of the United States, a resident in the ward for which he is chosen, a *bona fide* owner in fee of a lot or a part of a lot of ground within the city, containing not less than two thousand square feet, and shall have been an inhabitant of the city for two years next preceding his election, and be otherwise qualified.

5. That no person shall be an alderman, unless he shall have attained the age of thirty years, nor a delegate unless he shall have arrived at the age of twenty-five years.

6. That if any alderman or delegate shall, after his election, remove from the ward for which he is chosen, or cease to possess the qualification of property required by this act, his office shall thereby be vacated.

7. That immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half may be chosen every year.

8. That the board of aldermen shall elect one of their

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number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

9. That each board may appoint their clerks and such other officers, servants, and agents, as they shall respectively deem necessary in the transaction of their business.

10. That each board shall be the judge of the elections, returns and qualifications of its own members, and shall determine contested elections.

11. That a majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

12. That each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but not a second time for the same offense.

13. That each board shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays of the members on any question shall, at the desire of one-fourth of those present, be entered on the journal.

14. That neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

15. That no alderman or delegate shall, during the time for which he was elected, be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during such time.

16. That no person holding any office under the authority of the United States or the State of Missouri shall be an alderman or delegate.

17. That all vacancies that shall occur in either board shall be filled by election in such manner as shall be provided by ordinance.

18. That each alderman and delegate shall, before entering on the discharge of the duties of his office, take an oath that he will support the constitution of the United States and of this State, that he possesses in good faith the qualifications of age, citizenship, residence and property required by this act, and that he will faithfully demean himself in office.

19. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue

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his proclamation stating such fact, and ordering a new election.

20. There shall be four stated sessions of the city council in every year, the time and place of which shall be prescribed by ordinance.

ARTICLE III.

Of the Legislative Power of the City Council and its Incidents.

1. The city council shall have power within the city, by ordinance:

First—To levy and collect taxes, not exceeding one-half of one per centum upon all persons and property made taxable by law for State purposes.

Second—To borrow money on the credit of the city.

Third—To appropriate money and provide for the payment of the debt and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

Fifth—To establish hospitals and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Seventh—To provide the city with water, and to erect hydrants and pumps in the streets, for the convenience of the inhabitants.

Eighth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

Ninth—To establish, erect and keep in repair bridges.

Tenth—To divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require.

Eleventh—To provide for lighting the streets and erecting lamps therein.

Twelfth—To establish, support and regulate night watches and patrols.

Thirteenth—To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

Fourteenth—To provide for the erection of all needful buildings for the use of the city.

Fifteenth—To provide for enclosing, improving and regulating all public grounds belonging to the city.

Sixteenth—To improve and preserve the navigation of the Mississippi river within the city.

Seventeenth—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and the rates of wharfage thereat.

Eighteenth—To regulate the stationing, anchorage and mooring of vessels within the city.

Nineteenth—To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money-changers.

Twentieth—To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and of the wagonage, cartage and drayage.

Twenty-first—To license and regulate porters, and to fix the rates of porterage.

Twenty-second—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Twenty-third—To tax, restrain, prohibit and suppress tippling-houses, dram-shops, gaming and gaming houses, and bawdy and other disorderly houses.

Twenty-fourth—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Twenty-fifth—To regulate, restrain or prohibit the erection of wooden buildings in any part of the city.

Twenty-sixth—To regulate the cleaning of chimneys, and fix the fees therefor.

Twenty-seventh—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and other combustible materials.

Twenty-eighth—To regulate and order partition and parapet walls and partition fences.

Twenty-ninth—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

Thirtieth—To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

Thirty-first—To provide for the inspection and weighing of

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hay, stone-coal, the measuring of charcoal, fire-wood, and other fuel to be sold or used within the city.

Thirty-second—To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey, in barrels.

Thirty-third—To regulate the inspection of butter, lard, and other provisions.

Thirty-fourth—To regulate the weight, quantity and price of bread to be sold and used in the city.

Thirty-fifth—To regulate the size of bricks to be made or used in the city.

Thirty-sixth—To provide for the taking enumerations of the inhabitants of the city.

Thirty-seventh—To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

Thirty-eighth—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-ninth—To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

Fortieth—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Forty-first—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

2. The city council shall have the exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to license, regulate, restrain or suppress billiard tables.

3. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in the two preceding sections, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof, so that such ordinance be not repugnant to nor inconsistent with the constitution and laws of the United States or this State, or any provision in this act contained.

4. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections to the board in which it originated, which objections shall be

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entered at large on the journal, and the bill be re-considered.

5. If, after such reconsideration, a majority of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall in like manner be reconsidered; and if passed by a majority of all the members elected to that branch, it shall become a law.

6. In all such cases, the votes of both branches shall be taken by yeas and nays, and entered on the journals of each branch respectively.

7. If any bill shall not be returned by the mayor within five days (excepting Sundays) after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it.

8. Every resolution to which the concurrence of both branches of the city council shall be necessary, (except in cases of adjournment,) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

9. The style of the ordinances of the city shall be, "Be it ordained by the city council of the City of St. Louis."

10. All ordinances passed by the city council shall, within one month after they have been passed, be published in some newspaper published in the city.

11. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book form, and purporting to be so printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

ARTICLE IV.

Of Executive and Municipal Officers.

1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year and until his successor is duly elected and qualified.

2. The mayor shall be at least thirty years of age, a citizen of the United States, a resident of the city for at least four years next preceding his election, and shall be the bona fide owner in fee of a lot or part of a lot of ground within the city, containing not less than two thousand square feet.

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3. No person shall be mayor, who, at the time of his election, shall hold any office under the authority of the United States, or of this State.

4. If the mayor, during his continuance in office, shall receive any office under the authority of the United States, or of this State, or shall cease to own a freehold, as provided in the second section of this article, his office of mayor shall thereby immediately become vacated.

5. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

6. Whenever any election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

7. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, in such manner as shall be provided by ordinance.

8. The mayor may be removed from office for any misdemeanor in office, by a joint vote of both branches of the city council.

9. The mayor shall have power to nominate, and, by and with the concurrence of the board of aldermen, to appoint all city officers not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from, or imposed for the violation of any ordinance of the city; he may fill all vacancies which may occur in any office other than that of alderman or delegate, until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

10. The mayor may call special sessions of the city council, by proclamation.

11. Whenever a special session of the city council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

12. Whenever the mayor shall absent himself from the city, or a vacancy shall happen in the office of mayor, the president of the board of aldermen shall, for the time being, exercise the duties and receive the like compensation of mayor until such vacancy be filled, or the mayor return.

13. There shall be a city register, whose duty it shall be

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to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the seal of the city, and all records, public papers and documents belonging to the city; and he shall perform all such other and further duties as may be prescribed by ordinance.

14. There shall be a city auditor, whose duty it shall be to prescribe the mode of keeping, stating and rendering all city accounts; to examine, settle and adjust all accounts (unless otherwise provided for by ordinance) between the city and any person or body politic or corporate, and generally to perform such other duties as may be prescribed by ordinance.

15. There shall be a city treasurer, whose duty it shall be to receive and keep the moneys of the city, and to pay out the same upon warrants drawn by the auditor; and the city treasurer shall perform such other and further duties as may be enjoined on him by ordinance.

16. There shall be a city marshal, who shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the mayor, any alderman, or justice of the peace, under this act, or any ordinance of the city, and he shall perform such other duties as shall be enjoined on him by ordinance.

17. There shall be a city engineer, whose duty it shall be to superintend the construction of all public works of the city, to make out plans and estimates, and to contract for the execution of the same; to superintend and manage the water works of the city, and to perform all such surveying and engineering, and such other duties as may be required of him by ordinance.

18. The register, auditor, treasurer, and engineer, shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; and the city marshal shall be chosen and appointed in such manner as may be provided by ordinance.

19. The register, auditor, treasurer, marshal, and engineer, shall, each, before entering on the discharge of the duties of his office, give bond to the mayor, for the use of the city, conditioned for the faithful discharge of the duties of his office, and the amount of such bond shall be designated by the mayor, and the security therein shall be such as he will approve.

20. The mayor, register, auditor, treasurer, marshal, and engineer, and each officer of the corporation, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the Constitution of the United States and of this State, and that he will faithfully demean himself in office.

21. The register, auditor, treasurer, marshal, and engineer, shall, each, hold his office for the term of one year, and until his successor shall be duly appointed and qualified, but may be sooner removed from office for any misdemeanor, by joint vote of both branches of the city council: and every officer appointed by the corporation may be removed from office for like cause and in like manner.

22. The mayor, and all other officers of the corporation, shall, during their continuance in office, reside within the limits of the city; and if the mayor, or any officer of the corporation, shall cease to reside within the limits of the city, his office shall thereby immediately become vacated.

ARTICLE V.

Of Elections.

1. A general election for all officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held on the first Monday of April in each year.

2. At all elections for city officers, the voters shall vote by ballot, and each voter shall write, or cause to be written, his name on the ballot by him thus given.

3. All free white male persons, who have attained to the age of twenty-one years, who have resided within the city for twelve months next preceding the election, and who have paid a city tax within a year next preceding such election, shall be entitled to vote at elections for city officers.

4. Nothing shall be deemed a city tax within the meaning of the last preceding section, except such tax as shall be levied by ordinance, by virtue of the first or nineteenth subdivisions of the first section of the third article of this act.

5. All free white male inhabitants of this State, who have attained the age of twenty-one years, who shall own any freehold estate within the city, and shall have paid a tax thereon, shall be entitled to vote at elections for city officers.

6. The voters mentioned in the preceding section shall give their votes for aldermen and delegates in the ward in

which their freehold is situated; and, if they own freeholds in different wards, they shall only be entitled to vote for aldermen and delegates in one ward in which they own a freehold.

7. Persons who are not qualified to vote at State elections shall not vote at city elections.

ARTICLE VI.

Of Proceedings in Special Cases.

1. When it shall be necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

2. In opening, widening, or altering alleys through the blocks or squares of the city, the same proceedings shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that will accrue to the person whose property is taken, or to those who may have petitioned for the opening, widening or altering of such alley.

3. When the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the mayor and city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

4. All jurors empanneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken, for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and cause a new inquest to be made.

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6. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of the property, upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.

7. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving, grading, or lighting such street, lane, avenue or alley.

8. The mayor and city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, may be redeemed.

9. The net amount of moneys accruing from the licensing of ferries and billiard tables, and all fines and forfeitures accruing to the city for violations of ordinances concerning ferries and billiard tables, and the prevention or suppression of gaming, shall be appropriated and applied to the support of such hospital as now is, or may hereafter be established in or near the city, in such manner as the mayor and city council may, from time to time, direct.

10. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

ARTICLE VII.

Of Miscellaneous Provisions.

1. The mayor, aldermen and delegates shall be conservators of the peace throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace, in matters of a criminal nature, and shall exercise all powers and perform all duties which may be invested in, and required of them by ordinance.

2. The mayor and each justice of the peace within the city shall have jurisdiction of all cases arising under the ordinances of the city, subject, however, to an appeal, in all cases, to the circuit court of St. Louis county; and every such appeal shall be taken and granted in the same manner, and with like effect, as appeals are taken from and granted by justices

of the peace to the circuit court under the general law of the land.

3. The inhabitants of the city of St. Louis are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

4. All ordinances and resolutions passed by the board of aldermen, or the mayor and board of aldermen of the City of St. Louis, shall remain in force until the same shall be repealed by the corporation hereby created.

5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "the City of St. Louis."

6. All actions, fines, penalties and forfeitures, which have accrued to the "mayor, aldermen and citizens of St. Louis," shall be vested in, and prosecuted for, by the corporation hereby created.

7. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town in their corporate capacity, or to the "mayor, aldermen and citizens of the City of St. Louis," shall be, and the same is hereby declared to be vested in the corporation hereby created.

8. This charter shall not invalidate any act done by the "mayor, aldermen and citizens of the City of St. Louis," nor divest them of any right which may have accrued to them prior to the passage of this act.

9. The General Assembly may, at any time, alter, amend or repeal this charter.

10. All acts or parts of acts coming within the purview of this charter, or contrary to, or inconsistent with, its provisions, are hereby repealed.

11. The mayor of the city of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis, and shall issue his proclamation, and cause the same to be published in all the newspapers of said city, for four weeks successively prior to the day of election, requiring an election for city officers, in pursuance of this charter, to be held on the first Monday of April, eighteen hundred and thirty-nine, and said election shall be conducted in the same manner and at the same time and places as now are provided for by the ordinances of said city regulating elections.

12. This act is declared to be a public act, and may be

read in evidence in all courts of law and equity in this State, without proof.

13. This act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and thirty-nine, excepting the eleventh section of this article, which shall take effect and be in force from and after the passage thereof.

Approved, February 8, 1839.

AN ACT

TO AMEND AN "AN ACT TO INCORPORATE THE CITY OF ST. LOUIS," APPROVED FEBRUARY 8, 1839.

ARTICLE I.

Of Boundaries, General Powers, and Formation of Wards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That all that district of country contained within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east to the south-east corner of St. George, in St. Louis county; thence, due west, to the west line of second Carondelet avenue; thence north, with the said west line of said avenue, to the north line of Chouteau avenue; thence, northwardly, in a direct line to the mouth of Stony creek, above the present north line of the city of St. Louis; thence due east to the middle of the main channel of the Mississippi river; thence, southwardly, with the middle of the main channel of the Mississippi river, to the place of beginning, is hereby erected into a city, by the name of the City of St. Louis.

2. That the inhabitants of the City of St. Louis, as the same extends and is laid out above, be, and they and their successors forever are hereby constituted a corporation and body politic, in fact, and in law, by the name and style of the City of St. Louis, and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same for the benefit of the city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city, also for the erection of water-works

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to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious diseases, also for a poorhouse, workhouse or house of correction; and may sell, lease or dispose of such property for the benefit of the city, and may do all other acts as natural persons; they shall have and use one common seal, and may break, change, alter and make a new seal at pleasure.

3. That the city shall be divided into five wards, as follows:

The First Ward shall extend from the southern boundary of the city, as established by this act, to the southern boundary of the city, as established by an act entitled "An act to incorporate the City of St. Louis," approved February the eighth, A. D. 1839.

The Second Ward shall include that district of country now established by ordinance as the first ward, together with the district of country lying between its northern and southern lines, extended to the western boundary of the city.

The Third Ward shall include that district of country now established by ordinance as the second ward, together with the district of country between its northern and southern lines, extended to the western boundary of the city.

The Fourth Ward shall include that district of country now established by ordinance as the third ward, together with the district of country between its northern and southern lines, extended to the western boundary of the city.

The Fifth Ward shall include that district of country now established by ordinance as the fourth ward, together with the district of country lying to the north-west of the same within the limits of the city.

ARTICLE II.

Of the City Council.

1. That there shall be a city council, to consist of a board of aldermen and a board of delegates.

2. That the board of delegates shall be composed of three members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. That the board of aldermen shall consist of two members for each ward, to be chosen by the qualified voters for two years.

4. That no person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceding his election, and a *bona fide* resident of the ward for which he is elected.

5. That if any alderman or delegate shall, after his election, remove from the ward for which he was chosen, his office shall be thereby vacated.

6. That immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

7. That the board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

8. That each board may appoint their clerks, and such other officers and servants and agents as they shall respectively deem necessary in the transaction of their business.

9. That each board shall be the judge of the elections, returns and qualifications of its own members, and shall determine contested elections.

10. That a majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

11. That each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

12. That each board shall keep a journalof its proceedings, and from time to time publish the same, and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

13. That neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

14. That no alderman or delegate shall, during the time for which he was elected, be appointed to any office under the city.

15. That all vacancies that shall occur, in either board, shall be filled by election, in such manner as shall be provided by ordinance.

16. That each alderman and delegate shall, before entering on the duties of his office, take an oath that he will support

the constitution of the United States and of this State, and that he will faithfully demean himself in office.

17. That whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and order a new election.

18. That there shall be four stated sessions of the city council every year, the time and place of which shall be prescribed by ordinance.

ARTICLE III.

Of the Legislative Power of the City Council and its Incidents.

1. That the city council shall have power, within the city, by ordinance:

First—To levy and collect taxes, not exceeding one-half of one per centum, upon all persons and property made taxable by law for State purposes.

Second—To borrow money on the credit of the city.

Third—To appropriate money and to provide for the payment of the debt and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

Fifth—To establish hospitals and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Seventh—To provide the city with water, and to erect hydrants and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

Eighth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

Ninth—To establish, erect and keep in repair bridges, culverts and sewers.

Tenth—To provide for lighting the streets and erecting lamps thereon.

Eleventh—To establish, support and regulate night watch and patrols.

Twelfth—To erect market-houses, establish markets and market places, and provide for the government and regulation thereof.

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Thirteenth—To provide for the erection of all needful buildings for the use of the city.

Fourteenth—To provide for enclosing, improving and regulating all public grounds belonging to the city.

Fifteenth—To improve and preserve the navigation of the Mississippi river within the city.

Sixteenth—To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves and the rate of wharfage thereat.

Seventeenth—To regulate the stationing, anchorage and mooring of vessels within the city.

Eighteenth—To license, tax and regulate auctioneers, grocers, merchants, retailers and taverns, and to regulate and suppress ordinaries, hawkers, pedlers, brokers, pawnbrokers and money-changers.

Nineteenth—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

Twentieth—To license and regulate porters, and fix the rate of porterage.

Twenty-first—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Twenty-second—To tax, restrain, prohibit and suppress tippling-houses, dram-shops, gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

Twenty-third—To provide for the prevention and extinguishment of fires, and to organize and to establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings in any part of the city.

Twenty-fourth—To regulate the cleaning of chimneys, and to fix the fees thereof.

Twenty-fifth—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials.

Twenty-sixth—To regulate and order partition and parapet walls and partition fences.

Twenty-seventh—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

Twenty-eighth—To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

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Twenty-ninth—To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood, and all other fuel to be used in the city.

Thirtieth—To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whiskey, in barrels, hogsheads and other vessels.

Thirty-first—To regulate the inspection of butter, lard and all other provisions.

Thirty-second—To regulate the weight, quality and price of bread to be sold and used in the city.

Thirty-third—To regulate the size of bricks made or used in the city.

Thirty-fourth—To provide for the taking and enumeration of the inhabitants of the city.

Thirty-fifth—To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

Thirty-sixth—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-seventh—To fix the compensation of all city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Thirty-eighth—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appriating of such fines and forfeitures, and the enforcement of such penalties.

Thirty-ninth—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

2. The city council shall have the exclusive power, within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to license, regulate, restrain or suppress billiard tables.

3. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in the two preceding sections, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof, so that such ordinance be not repugnant to, nor inconsistent with the Constitution or laws of the United States or of this State, or any provision in this act contained.

4. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented

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3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided by ordinance.

6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds, on joint vote of both branches of the city council.

7. The mayor shall have power to nominate, and, by and with the concurrence of the board of aldermen, to appoint all city officers not ordered by law or ordinance to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed, within the city; he may remit fines, forfeitures and penalties accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any office other than that of aldermen, delegates, register, auditor, city marshal and city attorney, until the end of the session of the board of aldermen, which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

8. The mayor may call special sessions of the city council by proclamation.

9. Whenever a special session of the city council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

10. Whenever the mayor shall absent himself from the city, or a vacancy shall happen in the office of mayor, the president of the board of aldermen shall, for the time being, exercise the duties and receive the like compensation of the mayor, until such vacancy be filled, or the mayor return.

11. There shall be a city register, whose duty it shall be to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the seal of the city, and all records, public papers and documents belonging to the city; and he shall perform such other and further duties as may be prescribed by ordinance.

12. There shall be a city auditor, whose duty it shall be

to prescribe the mode of keeping, stating and rendering all city accounts, (unless otherwise provided for by ordinance,) between the city and any person or body politic or corporate, and generally to perform such other duties as may be prescribed by ordinance.

13. There shall be a city treasurer, whose duty it shall be to receive and keep the money of the city, and to pay out the same upon warrants drawn by the auditor; and the city treasurer shall perform such other and further duties as may be enjoined on him by ordinance.

14. There shall be a city marshal, who shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by the recorder, any alderman, or justice of the peace, under this act, or any ordinance of the city, and he shall perform such other duties as shall be enjoined on him by ordinance.

15. There shall be a city engineer, whose duty it shall be to superintend the construction of all public works of the city, and to make out plans and estimates, and to contract for the execution of the same; and to perform all such surveying and engineering, and such other duties as may be required of him by ordinance.

16. The register, auditor and city marshal shall be elected at the same time and in the same manner as mayor, aldermen and delegates.

17. Whenever there shall be a tie in the election of city officers, the judges of election shall certify the same to the mayor, who shall issue his proclamation immediately thereupon, stating such fact, and ordering a new election.

18. The register, auditor, treasurer, city marshal, and engineer, shall, each, before entering on the discharge of the duties of his office, give bond to the mayor, conditioned for the faithful discharge of the duties of his office, and the amount of such bond shall be designated by the mayor, and the security shall be such as he will approve.

19. The mayor, register, auditor, recorder, treasurer, city marshal and engineer, and each officer of the corporation, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation, before some judge or justice of the peace, that he will support the constitution of the United States and of this State, and that he will faithfully demean himself in office.

20. The register, auditor, recorder, treasurer, city mar-

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shal, city attorney, and engineer, shall, each, hold his office for the term of one year, and until his successor shall be duly elected and qualified; but may be sooner removed from office for any misdemeanor, or for incapacity, by the city council, on joint vote, a majority of all the members elected concurring therein; and also, for like causes and in like manner, all officers and servants appointed by ordinance.

21. The mayor and all other officers of the corporation shall, during their continuance in office, reside within the limits of the city; and if the mayor or any officer of the corporation shall cease to reside within the limits of the city, his office shall immediately become vacated.

22. There shall be a recorder, who shall have jurisdiction throughout the corporate limits of the city, and shall be a conservator of the peace, and shall have all the powers and jurisdiction now vested in justices of the peace, and who shall receive the same fees for like services. The recorder shall be elected at the same time and in the same manner as the mayor, aldermen, and delegates, and shall hold his office for the space of two years, and until his successor is duly elected and qualified.

ARTICLE V.

Of Elections.

1. A general election for all the officers of the corporation, required to be elected by this act, or any ordinance of the city, shall be holden on the first Monday of April in each year.

2. At all elections for city officers the voters shall vote by ballot.

3. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

4. Voters shall give their votes for city officers only in the wards in which they reside.

5. Whenever any vacancy shall occur in the office of alderman, delegate, register, auditor, city attorney, recorder, or city marshal, it shall be the duty of the mayor to issue his proclamation ordering an election to fill such vacancy.

ARTICLE VI.

Of Proceedings in Special Cases.

1. When it is necessary to take private property for opening, widening or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

2. In opening, altering, or widening alleys through the blocks or squares of the city, the same proceeding shall be had as in the case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury will ascertain the amount of benefit that shall accrue to the person whose property is taken, or those who may have petitioned for the opening, widening or altering of such alley.

3. When two-thirds of the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the mayor and city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall, in such case, be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, who have petitioned for the same; nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

4. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken, for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and cause a new inquest to be made.

6. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property, upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.

7. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the

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lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving or grading such street, lane, avenue or alley.

8. The mayor and city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes by authority of the corporation, may be redeemed.

9. The net amount of moneys accruing from the licensing of ferries and billiard tables, and all fines and forfeitures accruing to the city for violations of ordinances concerning ferries and billiard tables, and the prevention or suppression of gaming, shall be appropriated and applied in such manner as the mayor and city council may, from time to time, direct.

10. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

ARTICLE VII.

Miscellaneous Provisions.

1. The recorder, aldermen, and delegates, shall be conservators of the peace, throughout the city, and shall have therein all the powers and jurisdiction now vested in justices of the peace, in matters of a criminal nature, and shall exercise all powers and perform all duties which may be invested in, and required of them, by ordinance.

2. The recorder, and each justice of the peace, within the city, shall have jurisdiction of all cases arising under the ordinances of the city, subject, however, to an appeal, in all cases, to the circuit court of St. Louis county; and every such appeal shall be taken and granted by justices of the peace to the circuit court, under the general law of the land.

3. The inhabitants of St. Louis are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

4. All ordinances and resolutions passed by the city council of the City of St. Louis, shall remain in force until the same shall be repealed by the corporation hereby created.

5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "the City of St. Louis."

6. All actions, fines, penalties and forfeitures, which have accrued to the city council of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created.

7. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town, in their corporate capacity, or to the "mayor, aldermen, and citizens of the City of St. Louis," or to the city council of the City of St. Louis, shall be, and the same is hereby declared to be vested in the corporation hereby created.

8. This charter shall not invalidate any act done by the "mayor, aldermen and citizens of the City of St. Louis," or the city council of the City of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

9. The General Assembly may, at any time, alter, amend, or repeal this charter.

10. All acts or parts of acts coming within the purview of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

11. The mayor of the City of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of St. Louis, and shall issue his proclamation, and cause the same to be published in all the newspapers of said city, for four weeks successively prior to the day of election, requiring an election for city officers, in pursuance of this charter, to be held on the first Monday of April, eighteen hundred and forty-one; and said election shall be conducted in the same manner and at the same time and places as now provided for by the ordinances of said city regulating elections.

12. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

13. Whenever the City of St. Louis shall erect and organize a workhouse in St. Louis county, any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the City of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid: *Provided, however*, that no such imprisonment shall exceed ninety days.

14. Every person so committed to the workhouse, shall be required to work for the city at such labor as his health and strength will permit, not exceeding ten hours in each

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day; and for such work and labor the person so employed shall be allowed, exclusive of his board, seventy-five cents per day for each day's work, which amount shall go towards paying such fine and costs.

15. Nothing herein contained shall be so construed as to prevent the mayor of the City of St. Louis from remitting any fine, or part of any fine, imposed upon any person for a breach of any ordinance of the City of St. Louis.

16. The lots and all property, real, personal and mixed, beyond the present city boundaries, shall not be subject to taxation for city purposes, for the period of twelve months from the passage of this act.

17. The common council shall, within twelve months from the passage of this act, cause to be graded and macadamized the carriage-way of Broadway, south Seventh, Washington avenue, and Market street, twenty-five feet wide, from the boundaries of the city, established by this act, to the nearest point macadamized within the present limits of the city; and, until such carriage-ways aforesaid are made and completed, the lots and grounds beyond the present limits of the city shall not be taxed for city purposes more than one-sixteenth of one per cent.

18. This act shall take effect from and after the thirty-first day of March, in the year of our Lord one thousand eight hundred and forty-one, excepting the eleventh section of this article, which shall take effect from and after the passage thereof.

Approved February 15, 1841.

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the register of the City of St. Louis of all interments during the week, in the grave-yard whereof they are such overseer or sexton, respectively. Said report shall specify the names and ages of the persons interred, and also the diseases of which said persons died, sex, color, and if slave or free.

2. That if any overseer, sexton, or other person, having control of a grave-yard, shall permit any person to be interred in said grave-yard, without a certificate stating the name, age, sex, color, and if free or slave, together with the disease of which said person died, which certificate shall be signed by the physician who attended said person, he shall forfeit and pay the sum of five dollars for every such neglect, to be recovered before any justice of the peace, in the name and to the use of the City of St. Louis, at the instance of the register of St. Louis.

3. That if any overseer, sexton, or other person, fail or neglect to make to the register such report of weekly interments, he shall forfeit and pay five dollars for every such failure, to be recovered as above.

4. For the purpose of carrying the above act into effect, every physician who may practice medicine in St. Louis and suburbs, shall, when a patient dies under his care, make out a certificate, stating the name, age, sex, and color, and if free or slave, together with the name of the disease of which said person died; and if any physician, on application, refuse to make out such certificate, he shall forfeit and pay five dollars to the use of the City of St. Louis, to be recovered before any justice of the peace of St. Louis county, at the instance of the city register.

This act to take effect from its passage.

Approved February 25, 1843.

CITY CHARTER.

AN ACT

TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME.

ARTICLE I. Of Boundaries, General Powers, and Formation of Wards.
ARTICLE II. Of the City Council.
ARTICLE III. Of the Legislative Power.
ARTICLE IV. Executive and Ministerial Officers.
ARTICLE V. Of Elections.
ARTICLE VI. Of Opening and Improving Streets.
ARTICLE VII. Miscellaneous Provisions.

ARTICLE I.

Of Boundaries, General Powers, and Formation of Wards.

§ 1. Boundaries of the City of St. Louis established.
2. Inhabitants incorporated; title and powers of said corporation.
§ 3. Creation of wards, the boundaries thereof to be fixed by the city council.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. All that district of country contained within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, due east to the southeast corner of St. George, in St. Louis county; thence, due west, to the west line of second Carondelet avenue; thence, north, with the said west line of said avenue, to the north line of Chouteau avenue; thence, northwardly, in a direct line to the mouth of Stony creek; thence, due east, to the middle of the main channel of the Mississippi river; thence, southwardly, with the middle of the main channel of the Mississippi river, to the place of beginning, is hereby erected into a city, by the name of the City of St. Louis.

2. The inhabitants of the City of St. Louis, as the same extends and is laid out above, be, and they and their successors forever are, hereby constituted a corporation and body

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politic, in fact and in law, by the name and style of the City of St. Louis, and, by the same name, shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease, or dispose of the same for the benefit of the city, and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead of the city, also for the erection of water works to supply the city with water, and also for the establishment of a hospital for the reception of persons infected with contagious and other diseases, also for a poor house, work house, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city, and may do all other acts as natural persons; they shall have and use one common seal, and may break, change, alter and make a new seal at pleasure.

3. The City of St. Louis shall be divided into six wards, the boundaries whereof shall be fixed by the city council, and be by the council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of free white male inhabitants.

ARTICLE II.

Of the City Council.

§ 1. City council created; officers thereof.
2. Board of delegates; number, and how chosen.
3. Board of aldermen; number, and how chosen.
4. Qualifications of delegates and aldermen.
5. In case of removal from the ward, office of alderman and delegates vacated.
6. Aldermen to be divided into two classes, so that one-half shall be chosen every year.
7. Board of aldermen shall elect a president, and board of delegates a chairman.
§ 8. Each board may appoint its necessary officers, and
9. Judge of its own elections and returns.
10. Majority of such board shall constitute a quorum; power of a smaller number.
11. General powers of each board.
12. Journal of proceedings to be kept and published in two papers of different politics.
13. Neither board shall adjourn, without the consent of the other, for more than two days.
14. No member of either board shall be eligible to any city office created during his term of office.

§ 15. Vacancies in either board; how filled.
16. Oath of office shall be taken by aldermen and delegates.
17. In case of a tie in the election of any alderman or delegate, a new election shall be held.
18. Sessions of the city council prescribed.
§ 19. On the passage of certain bills, the ayes and nays shall be recorded.
20 Bills shall be read on three several days.
21. A majority of all the members elected shall be necessary to pass certain bills of revenue.

1. There shall be a city council, to consist of a board of aldermen and a board of delegates.

2. The board of delegates shall be composed of two members for each ward, to be chosen by the qualified voters of the several wards for one year.

3. The board of aldermen shall consist of two members for each ward, chosen by the qualified voters, for two years.

4. No person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceding his election, and a *bona fide* resident of the ward for which he is elected.

5. If any alderman or delegate shall, after his election, remove from the ward for which he is chosen, his office shall be thereby vacated.

6. Immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

7. The board of aldermen shall elect one of their number to be president of the board, and the board of delegates shall elect one of their number to be chairman thereof.

8. Each board may appoint their clerks and such other officers, servants, and agents, as they shall respectively deem necessary in the transaction of their business.

9. Each board shall be the judge of elections, returns and qualifications of its own members, and shall determine contested elections.

10. The majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each board may prescribe.

11. Each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected,

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expel a member, but not a second time for the same offense.

12. Each board shall keep a journal of its proceedings, and, as soon as practicable, publish the same in two newspapers of the city, which papers shall be of different politics, and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

13. Neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

14. No alderman or delegate shall, during the time for which he was elected, be appointed to any office under the city.

15. All vacancies that shall occur, in either board, shall be filled by election, in such manner as shall be provided for by ordinance.

16. Each alderman and delegate shall, before entering upon the duties of his office, take an oath that he will support the constitution of the United States and of this State, and that he will faithfully demean himself in office.

17. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and ordering a new election.

18. There shall be two stated sessions of the city council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance.

19. Upon the passage of all bills appropriating money, of bills imposing taxes, increasing, lessening, or abolishing licenses, and of bills for borrowing money, the yeas and nays shall be entered on the journals.

20. All bills shall be read in each board on three several days, unless two-thirds of the members, elected of the board, shall dispense therewith.

21. A majority of all the members elected of each board shall be necessary to pass a tax bill, bills appropriating, for any purpose, the sum of five hundred dollars or upwards, and bills in anywise increasing or diminishing the city revenue.

ARTICLE III.

Of the Legislative Power.

§ 1. Certain appropriations shall not exceed the income of the preceding year.
2. General powers of the mayor and city council.
3. The right to pass ordinances, necessary to carry into effect the foregoing powers, granted to the city council.
4. No moneys shall be expended, nor improvements made, except by a specific ordinance.
5. Bills passed by the council, to be approved by the mayor. Duty of Mayor, in case of disapproval.
6. How a bill thus approved shall become a law.
7. Votes on the passage of such bills shall be taken by ayes and nays, and recorded.
§ 8. A bill not returned by the mayor in five days, to become a law.
9. Joint resolution of the city council shall pass in the same manner as bills.
10. Style of the ordinances of the city council.
11. All ordinances shall be published in five days after their passage, in two newspapers of different politics.
12. Ordinances, how proven, and effect thereof in courts when printed by authority.
13. President of the board of aldermen shall be mayor, in case of absence of mayor, &c.

1. The appropriations of the city council, for payment of interest, for improvements, and for city expenses, during any one fiscal year, shall not exceed the amount of the income of the preceding fiscal year; but it shall be lawful for said board to apply any surplus moneys in the treasury to the extinguishment of the city debt, (or the creation of a sinking fund for the payment of said debt,) or to the completion of the city water-works; but the said council shall apply the revenue received from wharfage, (deducting the collection of the same, and other incidental expenses attendant thereon,) to the improvement of the wharf, until the same be completed.

2. The mayor and city council shall have power within the city, by ordinance:

First—To levy and collect taxes, not exceeding one per centum upon all property made taxable by law for State purposes.

Second—To borrow money on the credit of the city.

Third—To appropriate money and provide for the payment of the debt and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

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Fifth—To establish hospitals and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

Seventh—To provide the city with water, and to erect hydrants, fire plugs, and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

Eighth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys; but the mayor and city council shall not establish or open a street, lane, avenue, or alley, through the grounds lying and being situate between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

Ninth—To establish, erect and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channel of water courses, and to wall them up and cover them over.

Tenth—To provide for lighting the streets and erecting lamps thereon.

Eleventh—To establish, support and regulate night watches and patrols.

Twelfth—To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

Thirteenth—To provide for the erection of all needful buildings for the use of the city.

Fourteenth—To provide for enclosing, improving and regulating all public grounds belonging to the city.

Fifteenth—To improve and preserve the navigation of the Mississippi river within the city.

Sixteenth—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and to fix the rates of wharfage thereat.

Seventeenth—To regulate the stationing, anchorage and mooring of vessels within the city.

Eighteenth—To license, tax and regulate auctioneers, grocers, merchants, retailers, and taverns, and to license, tax, regulate, and suppress ordinaries, hawkers, peddlers, brokers, pawnbrokers and money-changers.

Nineteenth—To license, tax and regulate hackney carriages,

omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and of the wagonage, cartage and drayage of property.

Twentieth—To license and regulate porters, and to fix the rates of porterage.

Twenty-first—To license, tax, regulate, and suppress theatrical and other exhibitions, shows and amusements.

Twenty-second—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses and dram-shops; and to suppres gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

Twenty-third—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also to regulate, restrain or prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, and stairs or ladders leading to the same.

Twenty-fourth—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

Twenty-fifth—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory, or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

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Twenty-sixth—To regulate and prescribe the manner, and order the building of partition and parapet walls, and of partition fences.

Twenty-seventh—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

Twenty-eighth—To provide for the inspection and measuring of lumber, and other building materials.

Twenty ninth—To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood and other fuel to be used in the city.

Thirtieth—To provide for and regulate the inspection of beef, pork, flour, meal, oils, whiskey, and other spirituous liquors, in barrels, hogsheads and other vessels: *Provided*, that nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this act, which is to be shipped beyond the limits of this State, except at the request of the owner or owners thereof, or of the agent having charge of the same.

Thirty-first—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

Thirty-second—To regulate the weight, quality and price of bread to be sold and used in the city.

Thirty-third—To regulate the size of bricks made or used in the city.

Thirty-fourth—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-fifth—To regulate the election of all elective city officers, and provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty-sixth—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-seventh—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Thirty-eighth—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and ap-

propriating of such fines and forfeitures, and the enforcement of such penalties.

Thirty-ninth—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

Fortieth—To create the office of port warden, and define the duties thereof; and to regulate and license all ferries within the limits of the city.

Forty-first—To levy and collect a poll tax, not exceeding fifty cents, upon every free white male person over twenty-one years of age, who shall have resided six months within the city.

Forty-second—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curb-stones, and for the cleaning of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

Forty-third—To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblages in any street, house or place in the city.

Forty-fourth—To prevent and remove all encroachments into and upon all streets, lanes, avenues, and alleys established by law or ordinance.

Forty-fifth—To exercise complete and perfect control over the common, and all of the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of St. Louis, and the trade, commerce, and manufactures thereof, as the city council may deem expedient, not repugnant to the constitution or laws of this State; and also to enforce the observance thereof, by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs, in any action of debt, by and in the name of the City of St. Louis, for the use of the city, before any court having cognizance of the same.

3. The city council shall have power, subject to the restriction in the last clause of the preceding section, to make all ordinances which shall be necessary and proper for car-

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rying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof.

4. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

5. Every bill which shall have been passed by both branches of the city council shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections, to the board in which it originated, which objections shall be entered at large on the journal, and the bill be reconsidered.

6. If, after such re-consideration, three-fifths of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall in like manner be re-considered, and if passed by three-fifths of all the members elected to that branch, it shall become a law.

7. In all such cases the votes of both branches shall be taken by yeas and nays, and entered on the journals of each branch, respectively.

8. If any bill shall not be returned by the mayor in five days, Sundays excepted, after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it.

9. Every resolution to which the concurrence of both branches of the city council shall be necessary (except in case of adjournment) shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

10. The style of the ordinances of the city shall be, "Be it ordained by the city council of the City of St. Louis."

11. All ordinances passed by the city council shall, within five days after they become laws, be published in two newspapers published in the city of St. Louis, which shall be of different politics.

12. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

13. The president of the board of aldermen shall exercise the duties and receive the compensation of mayor whenever,

and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city.

ARTICLE IV.

Executive and Ministerial Offices.

§ 1. Mayor to be chief executive officer; to be elected and hold his office for one year.
2. Qualifications of mayor.
3. In cases of a tie in the election of a mayor, who shall decide.
4. In cases of contested elections for mayor, who shall decide.
5. Vacancies in the office of mayor, how filled.
6. For misdemeanors, the mayor may be removed.
7. Powers and duties of the mayor.
8. The mayor may call special sessions of the city council.
9. And state to them, when so called, the reasons therefor.
§ 10–11. Officers of the city, how elected and appointed.
12. Duties of the city register.
13. " " city auditor.
14. " " city treasurer.
15. " " city marshal.
16. " " city engineer.
17. Mayor and other officers shall reside in the corporation; a removal therefrom vacates their offices.
18. A city recorder shall be elected; his qualifications, duties and fees.
19. Recorder shall report to the mayor a statement of his fees.
20. Recorder's salary not to exceed $1200.

1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

2. No person shall be mayor who, at the time of his election, is not possessed of the qualifications required for an alderman or delegate, or who holds any lucrative office under the authority of the United States.

3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided for by ordinance.

6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds, on joint vote of both branches of the city council.

7. The mayor shall have power to nominate, and, by and

with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office, other than that of alderman or delegate, until the same be filled by election, and in any other office until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

8. The mayor may call special sessions of the city council, or either board thereof, by proclamation.

9. Whenever a special session of the city council, or either board thereof, shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

10. There shall be a city register, city auditor, city treasurer, city marshal, city attorney, and city engineer, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of aldermen, and to perform such duties as may be prescribed by ordinance.

11. The city register, city auditor, city attorney, and city marshal, shall be elected by the qualified voters for the office of mayor, aldermen and delegates; and the city engineer and city treasurer shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; they shall hold their offices for one year, and until their successors are duly qualified.

12. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city not properly belonging to any other office.

13. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate.

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hundred dollars per annum, to be fixed by ordinance, and paid out of the city treasury.

ARTICLE V.

Of Elections.

§ 1. General election for officers to be held on the 1st April annually.
2. Votes shall be given by ballot.
3. Judges of election to be appointed; their duties.
4. No election shall be held in a grog-shop.
§ 5. Who shall be deemed qualified voters at city elections.
6. Elections shall be held for one day only; they shall not be closed on that day.
7. Special elections regulated.

1. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be holden on the first Monday of April in each year.

2. At all elections for city officers the voters shall vote by ballot, and only in the wards wherein they respectively reside.

3. Judges of election shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at sunrise and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in presence of so many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated in the room selected for the purpose; *Provided*, that there shall never be less than ten voters present at any count, if so many desire to be present.

4. No election shall be held in a grog-shop, or other place where intoxicating liquors are vended.

5. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

6. Elections for city officers shall continue but one day, and during that day the polls shall not be closed under any pretense whatsoever.

7. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance.

ARTICLE VI.

Of Opening and Improving Streets.

§ 1. City council shall not grade, &c., any street not legally opened. Owners of lots fronting on private alleys may be directed to keep them clean.
2. Compensation to be paid for private property taken for public use; value thereof; how ascertained.
3. The jury, in their inquest, shall take into consideration the benefit accruing to the petitioner from the public use of his property.
4. On a petition of a majority of the inhabitants of any street, &c., the same may be opened, &c., but no damages shall be assessed in favor of the petitioners.
§ 5. Jury to be sworn and return to the mayor their verdict signed by each juror.
6. Mayor may set aside the same, and order a new inquest.
7. Verdict of the jury may be enforced against the petitioners.
8. Powers of mayor and council in levying a special tax to grade streets, &c.
9. City council shall declare how property sold for taxes may be redeemed.
10. Lands, in the city, not laid off into lots, &c., shall be taxed only as agricultural lands, until thus laid off.

1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the city council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

2. When it is necessary to take private property for opening, widening, or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of disinterested freeholders of the city.

3. In opening, altering or widening alleys through the blocks or squares of the city, the same proceedings shall be had, as in case of opening, widening or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that shall accrue to the person whose property is taken, and those who may have petitioned for the opening, widening or altering of such alley.

4. When the owners of the major part of the front of all the property on the street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the

mayor and city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall, in such case, be made to those whose property shall be taken for opening, widening or altering such street, lane, avenue or alley, who have petitioned for the same; nor shall there be any assessment of benefit or damages that may accrue thereby to any of the petitioners.

5. All jurors empanneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken, for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

6. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as mentioned in the preceding section, to set the same aside, and to cause a new inquest to be made.

7. The mayor and city council shall have power, by ordinance, to enforce the payment of all sums which a jury shall declare to be the amount of benefits accruing to the owners of property, upon any alley which shall be opened, widened or altered, if the owner be one of the petitioners for the opening, widening or altering such alley.

8. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to the respective fronts owned by them, for the purpose of paving or grading such street, lane, avenue or alley: *Provided, always*, such tax shall not exceed one-half of one per centum; nor shall the grading or paving be done at the expense of the owners of the lots fronting on the street, lane, avenue or alley, unless a petition for such paving and grading, signed by the owners of a major part of the ground fronting thereon, be presented for such purpose.

9. The city council shall have power, by ordinance, to direct the manner in which any property, real or personal, advertised for sale or sold for taxes, by authority of the corporation, may be redeemed.

10. Lands within the limits of the city, which have not been laid off into blocks or lots, shall not be assessed or taxed otherwise than by the acre, as agricultural lands, and shall continue to be so assessed and taxed till laid off into blocks or lots by the owners thereof, respectively; and the owners of such lands, in laying off the same into blocks or lots, shall

so arrange the streets that they shall correspond with previously established streets of the city.

ARTICLE VII.

Miscellaneous Provisions.

§ 1. Statement of annual receipts and expenditures of the city to be published.
2. Certain ordinances, not inconsistent with this act, continued in force.
3. In what name suits, &c., shall be brought by the city.
4. All actions, &c., heretofore accruing to the City of St. Louis, vested in this corporation.
5. Property heretofore owned by the City of St. Louis, vested in this corporation.
6. Acts heretofore done by certain officers, &c., not affected by this act.
7. Power of amending or repealing this charter retained by the general assembly.
8. This act declared a public act.
9. The mayor shall cause this act to be promulgated.
10. Workhouse may be established in the city of St. Louis.
11. Who shall work therein and on what terms.
12. Citizens of St. Louis exempted from working on roads.
13. The city shall not subscribe for stock.
§ 14. On what day the fiscal year shall terminate.
15. A digest of the city laws to be published at stated periods.
16. Delinquent officers; how proceeded against.
17. In such suits the books of the auditor admitted as evidence.
18. Judgment in such cases, when rendered; continuances, how obtained by defendant.
19. What claims shall be allowed such defendant in the settlement of his accounts.
20. Revenue of the city appropriated, partly to pay interest on city debts. Personal liability on members of the council diverting such appropriations to other objects.
21. A separate account of revenue and of disbursements, for different objects, to be kept.
22. The auditor and treasurer to make statements of the revenue, &c., of the fiscal year.
23. Issue of city warrants regulated in amount thereof.
24. Certain former laws repealed.
25. Present city council vested with certain powers.

1. The city council shall cause to be published, within one month after the end of each fiscal year, a full, complete and detailed statement of all the moneys received and expended by the corporation during the preceding fiscal year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

2. All ordinances and resolutions now in force in the City of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed, under this act.

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3. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The City of St. Louis."

4. All actions, fines, penalties, and forfeitures, which have accrued to the city council of St. Louis, or to the City of of St. Louis, shall be vested in and prosecuted for by the corporation hereby created.

5. All property, real and personal, heretofore belonging to the inhabitants of the town of St. Louis, or the trustees of said town, in their corporate capacity, or to the "mayor, aldermen, and citizens of the City of St. Louis," or to the city council of the City of St. Louis, or to the City of St. Louis, shall be, and the same is hereby declared to be vested in the corporation hereby created.

6. This charter shall not invalidate any act done by the "mayor, aldermen, and citizens of the City of St. Louis," or the city council of the City of St. Louis, or the City of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

7. The general assembly may, at any time, alter, amend or repeal this charter.

8. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

9. The mayor of the City of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the City of St. Louis.

10. The City of St. Louis shall have power to erect and organize a workhouse in St. Louis county; and any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the City of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse until such fine and costs be fully paid: *Provided, however*, that no such imprisonment shall exceed the period of six months for any one offense.

11. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go towards paying such fine and costs.

12. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city,

and from paying any tax to procure laborers to work upon the same.

13. The city shall not, at any time, become a subscriber for any stock in any corporation.

14. The fiscal year of the city shall terminate on the day preceding the second Monday of April in each year.

15. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter.

16. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city, upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer, for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

17. In every case of delinquency, where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly.

18. When suit shall be instituted against any delinquent as aforesaid, the court, where the same may be pending, shall grant judgment at the return term, upon motion, unless the defendant shall, in open court—the city attorney being present—make oath or affirmation that he is entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the auditor and rejected, specifying each particular item so rejected in the affidavit, and that he cannot then safely come to trial: oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeding term may be granted, but not otherwise.

19. In suits such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part, unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers, not before in his power to procure, and that he was prevented from exhibiting a claim

for such credit to the auditor by some unavoidable accident.

20. One half, at least, of the revenue of each year shall be appropriated to defraying the back and current interest on the debt owing by the city, created by way of loans to her, the erection of water-works, and lighting of the city conjointly—a separate account shall be kept of such appropriation and the disbursements thereof—and if any such appropriations shall be diverted from the appropriate objects, each member of the council voting for such misappropriation, and the mayor approving any bill or resolution making such misappropriation, shall be liable to the city in his individual estate to the amount of such misappropriation: *Provided, however*, any excess at the end of any fiscal year, remaining after the expenses attendant on those objects are liquidated, and paid, shall constitute a sinking fund for the discharge of the debt or debts of the city, made by way of loans to her, and may be so appropriated; and if any appropriation be made, in other respects contrary to this act, each member of the city council voting for such appropriation, and the mayor approving any bill (any bill) or resolution making such appropriation, shall be liable to the city in his individual estate to the amount of such appropriation: *Provided, however*, any excess, remaining after all legal appropriations for one year, shall constitute a sinking fund for the discharge of the debt of the city, made by loans to her, and may be so appropriated.

21. A separate account shall be kept of the revenue applicable to the different objects, in this act indicated, and of the disbursements on account of each.

22. At each session of the city council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for neglect thereof, shall lay before each board of the council and the mayor, a statement showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which the revenue is applicable during the then current fiscal year, certified by them jointly.

23. No warrant, bond, bill or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor, after the issue to him of such thousand dollar securities.

24. All acts and parts of acts contrary to and inconsistent

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3. Any member of the city council who shall vote for any ordinance that shall be passed for the application of the money borrowed to any other object than the improvement of the harbor, or for the application of the proceeds of the tax before provided for to any other object than the payment of the principal and interest of the loan before authorized, and any mayor of said city who shall approve any ordinance by which the proceeds of such loan or tax shall be diverted to any other object, shall be liable to pay the amount so directed [diverted] to the city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance by which such illegal appropriation shall be made, every member of the council present shall be deemed to have voted for the passage of such ordinance unless the yeas and nays are entered upon the journals of such board of the city council.

4. No member of either board of the city council shall receive more than one dollar for each day he shall attend the sittings of the board of which he is a member, which shall be in full for all his services as such member.

This act to take effect from its passage.

Approved, March 26, 1845.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

§. 1. Assessments in the city, how made.
2. One-fourth of revenue for grading and paving, &c., where, &c.
§. 3. Board of improvement, how constituted; duties of.
4. Delegates to act jointly on certain occasions.
5. Duties of council.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. In making the assessment of the city revenue of the City of St. Louis, the assessors shall so arrange and make out their books as to distinguish the revenue accruing from taxes on the property situated within the new limits of the city that were added to the city by an act passed on the fifteenth day of February, in the year eighteen hundred and forty-one, entitled "An act to amend an act to incorporate

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of the new limits of the several wards to be faithfully, judiciously and economically applied, in such manner as will best promote the interests of the citizens of said new limits, and to provide some regular and convenient mode by which the money for such improvement shall be drawn from the treasury, secured, accounted for and disbursed. All such improvements shall be contracted for and constructed under the superintendence of the city engineer, and reports thereof shall be made to the city council; and the improvements shall, in other respects, be managed as other city improvements. It shall be the duty of the city council to adopt such measures as will cause this act to be carried into effect according to its true intent and meaning. This act shall continue in force for four years, unless sooner repealed, and shall then cease to be in force, unless continued by a supplemental act.

This act shall take effect from its passage.

Approved, January 6, 1847.

AN ACT

AMENDATORY TO AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME;" APPROVED FEBRUARY 8, 1843.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The city council of the City of St. Louis shall have no power to open or cause to be opened, to extend or cause to be extended, Sixth street, or any other street or lane, through the grounds now enclosed and occupied by the Sisters of the Sacred Heart, and upon which their convent is located; this act being designed to protect them in the enjoyment of the garden and pleasure grounds attached to said convent.

This act shall take effect from and after its passage.

Approved, February 11, 1847.

AN ACT

AUTHORIZING THE CITY OF ST. LOUIS TO ERECT A CITY HALL.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The city council of the City of St. Louis is hereby authorized to erect a building suitable for a city hall, and offices for the use of the city government of said city, and for a convenient market-house, which building shall be erected on the square of land belonging to said city, situate east of Main street, and between Market and Walnut streets.

2. For the purpose of erecting such building, and defraying the cost thereof, the said city council is hereby authorized to borrow a sum of money not exceeding seventy-five thousand dollars, and issue the bonds of the city therefor; and the rents and revenue derived from such building and market-house, after deducting the expenses of collecting the same, shall be set apart, and exclusively appropriated for the payment of the interest and principal of the money borrowed for the purposes aforesaid.

This act shall take effect from its passage.

Approved, March 5, 1849.

AN ACT

RESPECTING ST. LOUIS WHARF.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The city council of the City of St. Louis shall have power to provide by ordinance for compromising, adjusting and purchasing the conflicting claims that have been set up by individuals to the ownership of any part of the city wharf or landing in front of the city, and to obtain from the claimants relinquishments of all their pretensions to hold or own any part of the wharf as private property; and to take all necessary steps to quiet the title of the city to such portions of the wharf or landing, so that the same may be hereafter improved and used as a public city wharf, as other portions of the wharf are now held and used. The city council shall have power by ordinance to provide the means for carrying this act into effect, by loan, taxation, or otherwise.

This act shall take effect from its passage.

Approved, March 10, 1849.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS;" APPROVED JANUARY 6, 1847.

§ 1. Certain words in an act changed.
2. Length of time this act to continue in force.
§ 3. Acts inconsistent with this act, repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. That the above recited act be and the same is hereby so amended as to set apart and appropriate one-half, instead of one-fourth of the revenue of said city, as provided in said act; and that wherever the word one-fourth or one-fourth part may occur in said act, be and the same is hereby changed, and the words one-half be substituted therefor.

2. That the act above referred to and amended as provided in the first section of this act, shall continue and remain in force for two years from and after the date of its approval, unless sooner repealed.

3. This act to take effect and be in force from and after its passage; all acts or parts of acts repugnant to or inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 10, 1849.

AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS TO BORROW MONEY.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The city council of the City of St. Louis are hereby authorized to borrow for a period not exceeding twenty years, and at a rate of interest not exceeding eight per cent. per annum, any sum not exceeding fifty thousand dollars, as the same may be wanted, for the purpose hereinafter mentioned.

2. For the money so borrowed, the mayor shall issue the bonds of the city, under the seal thereof, countersigned by the register, which bonds shall state where the same are pay-

able, and shall have coupons attached for the payment of interest.

3. The money so borrowed shall be expended, under the direction of the city council, for the construction of a sewer or sewers, commencing at any point on or near Seventh street and north of Washington avenue, as may be deemed most desirable, to drain off all the water that collects at intersections of cross streets with Seventh street and north of Washington avenue.

This act shall take effect from its passage.

Approved, March 12, 1849.

AN ACT

FOR THE IMPROVEMENT OF THE HARBOR, OPPOSITE TO ST. LOUIS.

§ 1. City of St. Louis authorized to borrow money, and appropriate same.
2. Special tax levied on certain property.
3. Mayor, duty of, election held.
§ 4. Election, how conducted, result, how proceed.
5. Liabilities.
6. Debts of city council.
7. Special tax to cease.
8. Sense of qualified voters taken.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The City of St. Louis, subject to the provisions hereinafter contained, is hereby authorized to borrow any sum of money not exceeding fifty thousand dollars, and to issue the bonds of said city not exceeding said maximum sum, and bearing an interest of not more than six per cent. per annum, payable semi-annually, and to appropriate the money so borrowed to the construction of such works within or without the limits of said city, as may be necessary to improve or secure the harbor opposite the southern part of said city, and to remove all obstructions to navigation from said part of the harbor.

2. The mayor and city council are hereby authorized to levy and collect a special tax not exceeding one-tenth of one per centum in addition to the taxes already authorized, on all property taxable by law for State purposes, within that part of said city which is bounded on the north by Pine street, on the east by the Mississippi river, and on the south and west by the southern and western limits of said city;

the proceeds of which special tax shall be exclusively for the payment of the principal and interest of any money borrowed for the purpose before mentioned: *Provided*, that the qualified voters of the described part of said city shall be in favor of such loan and taxation.

3. It shall be the duty of the mayor of said city, within the month of April next, to order ten days' public notice, containing a copy of this act, to be given in at least five daily newspapers (including if possible two printed in the German language) published in said city, and the sense of the qualified voters of the described part of said city to be tested, as to the propriety of such loan and taxation, on behalf of said city.

4. The test shall be conducted in every respect in accordance with the article on "election," contained in the charter of said city, saving, that the judges shall, if the board of aldermen be not in session, be appointed by the mayor and the presiding officers of the two branches of said city council, or any two of said officers. No ballot shall be counted, unless the words, "For the harbor loan," or "against the harbor loan," be written or printed thereon; and if it shall appear that in the aggregate there are more ballots for than against said harbor [loan], then the mayor and city council and their successors in office are authorized, and shall carry out the provisions of this act, according to the true intent and meaning thereof; provided that any work done under the authority of this act shall not interfere or be inconsistent with any works already done or contemplated, and necessary to be done, for the improvement of the harbor of St. Louis, generally.

5. Any member of the city council who shall vote for any ordinance that shall be passed for the application of the money borrowed under authority of this act to any other object than improvement of the harbor opposite the southern part of the City of St. Louis, or for the application of the proceeds of the tax provided for by this act to any other object than the payment of the principal and interest of the loan herein authorized, and any mayor of said city who shall approve any ordinance by which the proceeds of such loan or tax shall be diverted to any other object, shall be liable to pay the amount so diverted to the city for its application towards the improvement of the harbor opposite the southern part of the said city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance by which such illegal appropriation shall be made, any

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member of the council present shall be deemed to have voted for the passage of such ordinance unless the yeas and nays are entered upon the journals of such board of the city council.

6. It shall be the duty of the city council, in the month of June in every year during the existence of the debt herein authorized to be made, to cause to be published for three successive days in three daily newspapers, (including if possible one in German language,) published in said city, a true and full statement, signed by the proper officers of the city, as to the bonds issued, the moneys received on them and by taxation, the moneys paid or expended and on hand, under authority of this act.

7. The special tax herein authorized to be levied shall cease so soon as the principal together with interest herein authorized to be borrowed shall be fully paid.

8. In case the test, ordered to be made in the month of April next, should decide against the harbor loan, the city council may, at any time thereafter, order the sense of the qualified voters of the before described part of said city to be tested again as to the propriety of said loan and taxation on the part of the said city, and every such test shall be conducted in the same manner as the one ordered to be taken in the month of April next; provided, in any one year not more than one test shall be taken.

This act shall take effect from its passage.

Approved, March 12, 1849.

AN ACT

TO PROVIDE A GENERAL SYSTEM OF SEWERAGE IN THE CITY OF ST. LOUIS.

§ 1. Mayor and city council; duty of.
2. Special tax levied and collected.
§ 3. Sewers to be constructed.
4. Money borrowed.
5. Application of money.

Be it enacted by the General Assembly of the State of Missouri, as follows:

1. The mayor and city council of St. Louis shall cause, by ordinance, the city to be laid off into districts to be drained by principal and lateral or tributary sewers, having reference to a general plan of drainage by sewers for the whole city, and number and record the same.

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2. Whenever a majority of the owners of real estate within any district shall petition for the construction of the sewers in said district, the city council shall have power by ordinance to levy and collect a special tax on the real estate within said district so drained, not to exceed one half of one per centum per annum on the assessed value of said real estate, for the purpose of constructing said sewers, which tax shall be annually levied and collected as other city taxes, and shall constitute a lien on the real estate on which it is assessed; and shall not be repealed or altered until the debt created thereby shall have been fully paid.

3. Whenever a petition signed as aforesaid is presented to the city council, they shall provide by ordinance for the letting and construction of the sewers, or such parts thereof as shall be necessary, and may, from time to time, extend, enlarge or alter the same under such terms and on such conditions as they may deem necessary.

4. The mayor and city council, upon the presentation of a petition as aforesaid, may borrow any sum of money necessary for the construction of the sewers in any district, and issue the bonds of the city for the same, payable and predicated, in interest and principal, upon the tax in the second section of this act mentioned.

5. All moneys, collected under and by virtue of this act, shall be applied to the district from which it is so collected, and to no other purpose or use.

This act to take effect from its passage.

Approved, March 12, 1849.

AN ACT

AUTHORIZING THE CITY OF ST. LOUIS TO ISSUE THE BONDS OF THE CITY TO THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS, AND TO LEGALIZE APPROPRIATIONS BY THE CITY COUNCIL OF THE SAID CITY DURING THE YEARS 1849 AND 1850.

WHEREAS, embarrassment to the treasury of the City of St. Louis has arisen out of the extraordinary expenditures occasioned by two years' visitation of epidemic cholera, the great fire of eighteen hundred and forty-nine, and the opening and macadamizing of a part of south Seventh street, Washington avenue and Broadway, and the curtailment of the city revenue from taxes in the new limits, in consequence of the decision of the supreme court in the case of Allen against the City of St. Louis; therefore,

Be it ordained by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the City of St. Louis be, and she is hereby, authorized to borrow, for a period not exceeding twenty years, and at a rate of interest not exceeding six per cent. per annum, any sum not exceeding one hundred and fifty thousand dollars, as the same may be wanted for the purposes hereinafter mentioned.

SEC. 2. For the money so borrowed, the mayor is hereby authorized to issue the bonds of the city in the usual form, in sums of one thousand dollars each.

SEC. 3. The proceeds of the bonds authorized to be issued, as aforesaid, shall go to liquidate balances due, and falling due, by the treasury of the City of St. Louis; provided, that the proceeds of forty of said bonds shall go to liquidating debts already contracted, and to be contracted, by the authorities of said city, for the purchase of water pipe, and the extension of the new water-works now being erected in said city.

SEC. 4. All appropriations of money made by the city councils of St. Louis for and during the year eighteen hundred and forty-nine and eighteen hundred and fifty, so far as said appropriations are in contravention to the first section of the third article of the charter of said city, are hereby legalized; and the constructive penalty incurred by the provisions of the twentieth section of the seventh article of the charter aforesaid is hereby abrogated, so far as said penalty shall attach to any acts done by the mayor and members of the respective councils aforesaid.

This act to take effect and be in force from and after its passage.

Approved, January 7th, 1851.

OFFICE OF SECRETARY OF STATE OF MISSOURI.

I, EPHRAIM P. EWING, Secretary of State, do certify, that the foregoing is a true and correct copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said office, at the city of Jefferson, this seventh day of January, 1851.

[SEAL.]

EPHRAIM B. EWING,
Secretary of State.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS, AND TO CONTINUE IN FORCE THE LAW COMMONLY KNOWN AS THE NEW LIMIT LAW, AS IT NOW EXISTS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. In making the assessment of the revenue of the City of St. Louis, the assessors shall so arrange and make out their books, as to distinguish the revenue arising from taxes on the property in the several wards, situate within the new limits of the city, (which were added to the city by an act approved February fifteenth, eighteen hundred and forty-one, entitled, "An act to amend an act to incorporate the City of St. Louis," approved on the eighth day of February, eighteen hundred and thirty-nine,) from the revenue accruing from taxes on property situated in the old limits of the city, as they existed before the passage of the above recited act, so as to show how much revenue is derived from taxes on property situated within said new limits, added to the said City of St. Louis by the above recited act; and, in like manner, the collectors of revenue shall keep their accounts so as to show the amount of revenue derived from tax on licenses granted within said new limits, and outside of the old limits of the respective wards.

SEC. 2. When the whole city revenue of each year shall have been collected, there shall be paid out of the net aggregate amount thereof derived from taxes and licenses of every kind,

First—All expenses of the city hospital, except for additions or enlargement of the buildings.

Second—All quarantine or extra expenses, except for buildings, that may have been incurred within the year, on account of the danger or prevalence of epidemic disease.

Third—All interest that may accrue upon money borrowed for the construction of public sewers within the city, which have been, or may be, constructed at the expense of the city; and then one-half the remaining revenue derived from taxes and licenses as aforesaid, within said new limits, and outside of old limits, shall be set apart and appropriated to the making and grading, and improving the streets within said new limits, and outside of said old limits, in each of the several wards of said city, in proportion to the amount of such

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revenue derived from each respectively; and no part of the revenue thus set apart shall be used for other purposes than as herein specified.

SEC. 3. The aldermen and delegates from each ward, for the time being, shall constitute a standing committee on improvements for the limits of said ward, and shall determine upon and report to the city council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement; which report shall be in writing, signed by said committee, or a majority of them, and shall be published daily, for at least four days, in two papers publishing the proceedings of the city council; and if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

SEC. 4. Whenever a street shall form a division line between that part of any two wards within such new limits, the improvement committees of the two wards may act jointly, and recommend that an equal amount from the new limit fund of each ward be appropriated to improve such street.

SEC. 5. It shall be the duty of the city council to pass such rules, make such orders, and establish such regulations, as will cause the money thus set apart for the improvement of the new limits of the several wards, to be faithfully, judiciously, and economically applied, in such manner as will best promote the interests of said new limits, and provide for the manner in which the fund thus set apart shall be paid out and disbursed; and all such improvements shall be contracted for, and constructed under the superintendence of the city engineer, and be in all respects managed as other city improvements: *Provided, however*, that no street shall be improved out of the new limit fund until recommended by the improvement committee, or a majority of them; but the council may reject the report of such committee.

SEC. 6. The city shall, within three years from and after the passage of this act, improve all the unimproved streets within what is known as the old limits of the city, and make a loan for that purpose, if necessary.

SEC. 7. This act shall take effect and continue in force for and during the period of ten years from the day of its passage: *Provided, however*, that if, before the expiration of said period of ten years, all the streets in the new limits of any ward shall be improved, then and in that case the provisions of this act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city.

Approved, March 1, 1851.

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MISSOURI. OFFICE OF SECRETARY OF STATE, }
City of Jefferson. }

I, EPHRAIM B. EWING, Secretary of State, do certify that the foregoing act of the general assembly of the State of Missouri, entitled, "An act supplementary to the several acts to incorporate St. Louis, and to continue in force the law commonly known as the new limit law, as it now exists," approved March 1, 1851, is a true and perfect copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said office, at the city of Jefferson, this twelfth day of March, A. D. 1851.

[SEAL].

EPHRAIM B. EWING,
Secretary of State.

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Reprinted from
THE JOURNAL OF PHYSICAL CHEMISTRY
Vol. 58, No. 12, December 1954

beyond the limits of the city, to be used for the burial of the dead of the city; also for the erection of water-works to supply the city with water; and also for the establishment of a hospital, for the reception of persons infected with contagious and other diseases; also, for a poor house, work house, or house of correction; and may sell, lease, or dispose of such property for the benefit of the city; they shall have and use one common seal, and may break, change, alter, and make a new seal at pleasure.

SEC. 3. The City of St. Louis shall be divided into six wards, the boundaries whereof shall be fixed by the city council, and be by the council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of free white male inhabitants.

ARTICLE II.

Of the City Council.

§ 1. City council to be composed of two boards.
2. Board of delegates, how composed.
3. Board of aldermen, how composed:
4. Qualifications of aldermen and delegates.
5. Office of alderman or delegate vacated; when.
6. Term of service of aldermen.
7. Presiding officers of the boards.
8. Clerks, servants, and other officers of the boards.
9. Elections of members; how determined.
10. Quorum necessary to do business.
11. Rules of the boards; expulsion of members.
§ 12. Journals of the board; proceedings to be published; yeas and nays to be entered on journals.
13. Adjournments.
14. Aldermen and delegates disqualified from holding office under city.
15. Vacancies; how filled.
16. Aldermen and delegates to make oath.
17. New election to be held when there is a tie in the election for alderman or delegate.
18. Stated sessions of city council.
19. Yeas and nays to be entered on journals; when.
20. Bills to be read on three several days, except when.
21. Majority of members elected necessary to pass certain bills.

SECTION 1. There shall be a city council, to consist of a board of aldermen and a board of delegates.

SEC. 2. The board of delegates shall be composed of two members for each ward, to be chosen by the qualified voters of the several wards, for one year.

SEC. 3. The board of aldermen shall consist of two members for each ward, chosen by the qualified voters, for two years.

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SEC. 4. No person shall be an alderman or delegate unless he be a citizen of the State of Missouri, and shall have resided within the city limits one year next preceding his election, and be a *bona fide* resident of the ward for which he is elected.

SEC. 5. If any alderman or delegate shall, after his election, remove from the ward for which he was chosen, his office shall be thereby vacated.

SEC. 6. Immediately after the board of aldermen shall be assembled, in consequence of the first election, the aldermen shall be divided into two classes—the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half may be chosen every year.

SEC. 7. The board of aldermen shall elect one of their number to be president of the board; and the board of delegates shall elect one of their number to be chairman thereof.

SEC. 8. Each board may appoint their clerks and such other officers, servants, and agents, as they shall respectively deem necessary in the transaction of their business.

SEC. 9. Each board shall be the judge of the elections, returns, and qualifications of its own members, and shall determine contested elections.

SEC. 10. The majority of each board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each board may prescribe.

SEC. 11. Each board may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same offense.

SEC. 12. Each board shall keep a journal of its proceedings, and, as soon as practicable, publish the same in two newspapers of the city, which papers shall be of different politics; and the yeas and nays of the members on any question shall, at the desire of any two of those present, be entered on the journal.

SEC. 13. Neither board, during the session of the city council, shall, without the consent of the other, adjourn for a longer period than two days.

SEC. 14. No alderman or delegate shall, during the term for which he was elected, be appointed to any office under the city.

SEC. 15. All vacancies that shall occur in either board,

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shall be filled by election, in such manner as shall be provided for by ordinance.

SEC. 16. Each alderman and delegate shall, before entering on the duties of his office, take an oath that he will support the constitution of the United States and of this State, and the provisions of this charter, and that he will faithfully demean himself in office.

SEC. 17. Whenever there shall be a tie in the election of aldermen or delegates, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts, and ordering a new election.

SEC. 18. There shall be two stated sessions of the city council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance.

SEC. 19. Upon the passage of all bills appropriating money, or bills imposing taxes, increasing, lessening, or abolishing licenses, and of bills borrowing money, the yeas and nays shall be entered on the journals.

SEC. 20. All bills shall be read in each board on three several days, unless two-thirds of the members elected of the board shall dispense therewith.

SEC. 21. A majority of all the members elected, of each board, shall be necessary to pass a tax bill, bills appropriating, for any purpose, the sum of five hundred dollars or upwards, and bills in anywise increasing or diminishing the city revenue.

ARTICLE III.

Of the Legislative Power.

§ 1. Power of council to make appropriations; wharfage revenues, how to be appropriated.
2. Powers of the mayor, and city council.
3. Further powers of council.
4. No moneys to be expended, except by specific ordinance therefor.
5. Bills to be approved by mayor; mayor may reject bills.
6. Bill vetoed by mayor may become law; how, when.
§ 7. Yeas and nays to be taken on bills vetoed.
8. Bills to become law when not returned by mayor.
9. Joint resolutions to be approved by mayor.
10. Style of ordinances.
11. Ordinances and proceedings to be published.
12. Ordinances to be proven by the corporate seal.
13. President of board of aldermen to act as mayor; when.

SECTION 1. The appropriations of the city council for payment of interest, for improvements and for city expenses, during any one fiscal year, shall not exceed the amount of

the income of the preceding fiscal year; but it shall be lawful for said council to apply any surplus moneys in the treasury to the extinguishment of the city debt, (or the creation of a sinking fund for the payment of said debt,) or to the completion of the city water-works; but the said council shall apply the revenue received from wharfage (deducting the expense of collecting of the same, and other incidental expenses attendant thereon) to the improvement of the wharf, until the same be completed.

SEC. 2. The mayor and city council shall have power, within the city, by ordinance:

First—To levy and collect taxes, not exceeding one per centum, upon all property made taxable by law for State purposes.

Second—To borrow money on the credit of the city.

Third—To appropriate money and provide for the payment of the debt and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

Fifth—To establish hospitals and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances at the expense of the owners or occupants of the parties upon whose grounds they may exist.

Seventh—To provide the city with water, and to erect hydrants, fire plugs, and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

Eighth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys, wharves and public grounds and squares; but the mayor and city council shall not establish nor open a street, lane, avenue, or alley, through the grounds lying and being situate between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

Ninth—To establish, erect and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change the channel of water courses, and to wall them up and cover them over.

Tenth—To provide for lighting the streets and erecting lamps thereon.

Eleventh—To establish, support and regulate night watches and patrols.

Twelfth—To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

Thirteenth—To provide for the erection of all needful buildings for the use of the city.

Fourteenth—To provide for enclosing, improving and regulating all public grounds belonging to the city.

Fifteenth—To improve and preserve the navigation of the Mississippi river within the city.

Sixteenth—To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and to fix the rate of wharfage thereat: *Provided*, the rate of wharfage at private wharves shall be the same as at public wharves.

Seventeenth—To regulate the stationing, anchoring and mooring of vessels within the city.

Eighteenth—To license, tax and regulate auctioneers, grocers, merchants, retailers and taverns, and to license, tax, regulate and suppress ordinaries, hawkers, pedlers, brokers, pawnbrokers and money-changers.

Nineteenth—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

Twentieth—To license and regulate porters, and fix the rate of porterage.

Twenty-first—To license, tax regulate, and suppress theatrical and other exhibitions, shows and amusements.

Twenty-second—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses, and dram-shops; and to suppress gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

Twenty-third—To provide for the prevention and extinguishment of fires, and to organize and to establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings, and to provide for the removal of the same, when erected contrary to the ordinances of the city; to regulate and prevent the carrying [on] of manufactures dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards, with power to remove and keep away from

the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs or ladders leading to the same.

Twenty-fourth—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

Twenty-fifth—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in stables, shops, and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

Twenty-sixth—To regulate and prescribe the manner, and order of the building of partition and of parapet walls, and of partition fences.

Twenty-seventh—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

Twenty-eighth—To provide for the inspection and measuring of lumber, and other building materials.

Twenty-ninth—To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood and all other fuel to be used in the city.

Thirtieth—To provide for and regulate the inspection of beef, pork, flour, meal, oils, whiskey, and other spirituous liquors, in barrels, hogsheads and other vessels: *Provided*, that nothing in this act shall be so construed as to authorize the inspection of any article enumerated in this act, which is to be shipped beyond the

limits of this State, except at the request of the owner or owners thereof, or of the agent having charge of the same.

Thirty-first—To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

Thirty-second—To regulate the weight, quality and price of bread to be sold and used in the city.

Thirty-third—To regulate the size of bricks made or used in the city.

Thirty-fourth—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-fifth—To regulate the election of all the elective city officers, and provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty-sixth—To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-seventh—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Thirty-eighth—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties.

Thirty-ninth—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

Fortieth—To create the office of port warden, and define the duties thereof; and to regulate and license all ferries within the limits of the city.

Forty-first—To levy and collect a poll tax, not exceeding fifty cents, upon every free white male person over twenty-one years of age, who shall have resided six months within the city.

Forty-second—To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curb-stones, and to provide for the construction and repair of all sidewalks, and for the cleaning of the same, and of the gutters, at the expense of the owners of the ground fronting thereon.

Forty-third—To prevent and restrain any riot, rout, noise, disturbance, or disorderly assemblages in any street, house or place in the city.

Forty-fourth—To prevent and remove all encroachments into and upon all streets, lanes, avenues, and alleys established by law or ordinance.

Forty-fifth—To exercise complete and perfect control over the common, and all of the property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the City of St. Louis, and the trade, commerce, and manufactures thereof, as the city council may deem expedient, not repugnant to the constitution or laws of this State; and also to enforce the observance thereof, by inflicting penalties upon any inhabitant thereof, or other person or persons, for the violation of any ordinance, not exceeding five hundred dollars for any one offense, recoverable with costs, in *any* action of debt, by and in the name of the City of St. Louis, for the use of the city, before any court having cognizance of the same.

Forty-sixth—To drain and keep drained Chouteau's pond, whenever they deem it best so to do for the general health.

SEC. 3. The city council shall have power (subject to the restriction in the last clause of the preceding section but one) to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section, and all other powers vested by this act in the corporation, the city government, or any department or officer thereof.

SEC. 4. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

SEC. 5. Every bill which shall have been passed by both branches of the city council, shall, before it becomes a law, be presented to the mayor for his approbation. If he approve the bill, he shall sign it; if not, he shall return it with his objections, to the board in which it originated, which ob-

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jections shall be entered at large on the journal, and the bill be re-considered.

SEC. 6. If, after such re-consideration, three-fifths of all the members elected to the board in which the bill originated shall agree to pass the same, it shall be sent, together with the objections of the mayor, to the other branch of the city council, by which it shall in like manner be re-considered, and if passed by three-fifths of all the members elected to that branch, it shall become a law.

SEC. 7. In all such cases the vote of both branches shall be taken by yeas and nays, and entered on the journals of each branch, respectively.

SEC. 8. If any bill shall not be returned by the mayor in five days (Sundays excepted), after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it.

SEC. 9. Every resolution to which the concurrence of both branches of the city council shall be necessary (except in case of adjournment), shall be presented to the mayor, and, before the same shall take effect, shall be proceeded upon in the same manner as in case of a bill.

SEC. 10. The style of the ordinances of the city shall be, "Be it ordained by the city council of the City of St. Louis."

SEC. 11. All ordinances passed by the city council shall, within five days after they become laws, be published in two newspapers published in the City of St. Louis, which shall be of different politics. Each board may cause a correct abstract of its proceedings to be made out and published in at least two of the newspapers of the city, of different politics. This abstract shall present the substance of all petitions, memorials, and remonstrances of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import, and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor, and of other city officers, shall be published in full, in the papers publishing the proceedings of the boards, but the boards shall so order as not to incur the expense of publishing the same documents a second time; whenever the publication herein provided for shall be ordered, the publication of the journals of proceedings in full shall be dispensed with.

SEC. 12. All ordinances of the city may be proven by the seal of the corporation, and, when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

SEC. 13. The president of the board of aldermen shall exercise the duties and receive the compensation of mayor, whenever, and so long as, from any cause, said office of mayor shall be vacant, or the mayor be absent from the city.

ARTICLE IV.

Executive and Ministerial Offices.

§ 1. Office of mayor.
2. His qualifications.
3. Council to elect mayor, when.
4. Contested election of mayor, how determined.
5. Vacancy in office of mayor, to be filled by election.
6. Mayor may be removed, how; when.
7. Powers of the mayor.
8. Mayor may call special sessions of the city council.
9. Mayor to state cause for special session.
10. Offices of register, auditor, and treasurer, created.
§ 11. Register, auditor, attorney, and marshal, to be elected; treasurer and engineer to be appointed by mayor.
12. Duties of city register.
13. " " city auditor.
14. " " city treasurer.
15. Powers and duties of city marshal.
16. Duties of city engineer.
17. City officers to reside in city.
18. Office of recorder.
19. Recorder to make semi-annual report to council.
20. Salary of recorder.

SECTION 1. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified.

SEC. 2. No person shall be mayor, who, at the time of his election, is not possessed of the qualifications required for an alderman or delegate, or who holds any lucrative office under the authority of the United States.

SEC. 3. When two or more persons shall have an equal number of votes for the office of mayor, the two branches of the city council shall decide the election by joint vote.

SEC. 4. Whenever an election for mayor shall be contested, the two branches of the city council shall determine the same by joint vote.

SEC. 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election in such manner as shall be provided for by ordinance.

SEC. 6. The mayor may be removed from office for any misdemeanor, by a majority of two-thirds, on joint vote of both branches of the city council.

SEC. 7. The mayor shall have power to nominate, and, by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise appointed;

also, to suspend, and with the consent of the board of aldermen, to remove any city officer, except those elected by the people; he shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from, or imposed for, the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office, other than that of alderman or delegate, until the same be filled by election, and in any other office until the end of the session of the board of aldermen which shall next happen after the vacancy shall have occurred; he shall, from time to time, give to the city council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

SEC. 8. The mayor may call special sessions of the city council, or either board thereof, by proclamation.

SEC. 9. Whenever a special session of the city council, or either board thereof, shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened.

SEC. 10. There shall be a city register, city auditor, city treasurer, city marshal, city attorney, and city engineer, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of aldermen, and to perform such duties as may be prescribed by ordinance.

SEC. 11. The city register, city auditor, city attorney, and city marshal, shall be elected by the qualified voters for the office of mayor, aldermen and delegates; and the city engineer and city treasurer shall be appointed by the mayor, by and with the advice and consent of the board of aldermen; they shall hold their office for one year, and until their successors are duly qualified.

SEC. 12. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them; he shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city not properly belonging to any other office.

SEC. 13. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate.

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SEC. 14. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the auditor.

SEC. 15. The city marshal shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all process issued by [the] mayor, recorder, any alderman or justice of the peace, under this act, or any ordinance of the city.

SEC. 16. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same; and to perform all surveying and engineering ordered by the city; *Provided, however*, such plans and contracts shall be first approved by the two boards of the council, or they shall not be valid.

SEC. 17. The mayor and all other officers of the corporation shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to reside within the limits of the same, his office shall be thereby vacated.

SEC. 18. There shall be a recorder, who shall be a resident of the city and shall possess the same qualifications as the mayor, under the provisions of this act, who shall be elected at the same time the mayor and aldermen are elected, and shall hold his office two years, and until his successor is duly elected and qualified; such recorder may be removed from office in the same manner as the mayor; he shall have the same jurisdiction as justices of the peace within the limits of the city, in all State cases; he shall have a jurisdiction over all cases arising under any ordinance of said city, subject, however, to an appeal, in all cases, to the St. Louis criminal court; and every such appeal shall be taken and granted in the same manner as appeals are taken from and granted by justices of the peace to the criminal court, under the general law of the State. He shall charge, in all cases, the same fees which are now allowed to justices of the peace for the same kind of services, which shall be charged and collected as other costs, and, when collected, paid into the city treasury.

SEC. 19. The recorder shall make a semi-annual report of all fees charged for his services, which report shall be verified by affidavit and returned to the mayor, who shall submit the same to the first meeting of the city council thereafter.

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Sec. 20. The recorder shall receive a salary not to exceed twelve hundred dollars per annum, to be fixed by ordinance, and paid out of the city treasury.

ARTICLE V.

Of Elections.

1. Elections for city officers when held.
2. City officers to be ballot.
3. Judges of elections.
4. Elections not to be held in groggeries.

5. Qualifications of voters.
6. Challenges to residence before voting.
7. Special elections to be regulated by ordinance.

SECTION 1. A general election for all the officers of the corporation, required to be elected by this act or any ordinance of the city, shall be holden on the first Monday of April in each year.

Sec. 2. At all elections for city officers the voters shall vote by ballot, and only in the wards wherein they respectively reside.

Sec. 3. Judges of election shall be appointed by the board of aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at sunrise and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election, in presence of as many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated, who may choose to be present; the certificate thereof there shall never be less than six voters present at any count, if so many desire to be present.

Sec. 4. No election shall be held in a grog-shop, or other place where intoxicating liquors are vended.

Sec. 5. Every male citizen of the age under the tenth section of the first act relative to the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers.

Sec. 6. Elections for city officers shall continue but one day, and the hours for the polls shall not be closed under any pretense whatever.

Sec. 7. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance.

ARTICLE VI.

Of Opening and Improving Streets.

§ 1. No streets or alleys, unless public, to be graded, cleaned or paved by city; power of council over private alleys.
2. Private property may be condemned to public use.
3. Circuit court may try the rights of property claimed for public use.
4. Council may open, widen, or alter streets, on petition of owners.
5. Special tax may be levied for paving sidewalks.

SECTION 1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the city council to order the owner or owners of ground fronting on any private alley, to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

SEC. 2. Whenever the city council shall, by ordinance, establish, open, widen or alter any street, lane, avenue, alley, wharf or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the corporation shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained as follows, to wit: the mayor shall petition the circuit court of St. Louis county, in term time, or the judge thereof, in vacation, setting forth in his petition a particular description of the property sought to be condemned for public use, and, as far as known, the name or names of the owners or claimants thereof, and stating for what purpose the said private property is sought to be condemned, whether for establishing, opening, widening or altering a street, lane, avenue, alley, wharf or public square, and praying the court or judge to cause the damages to be assessed; on the presentation of which petition it shall be duty of the court, in term time, or of the judge, in vacation, to cause the clerk to issue a precept to the sheriff, requiring him to summon twelve disinterested freeholders of the city, who shall attend at the courthouse, at a time to be specified in the precept, not less than five nor more than twenty days from the date thereof, and who shall be sworn diligently to inquire, and a true assessment to make, of the damages to be suffered by the owners of the property in question, and a true verdict to render, according to the law and the testimony. It shall be the duty of the mayor, at least three days before said petition is presented,

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to cause a notice, in writing, to be served on each of the owners (if known) of the property sought to be condemned, stating the time and place at which said petition shall be presented. If the owners, or any part of them, are not known to the mayor, he shall cause such notice to be published in at least three newspapers printed in the City of St. Louis, which notice shall be published at least six days before said petition is presented. In vacation, it shall be the duty of said judge to attend at the time designated for said inquest, together with the clerk of said court; and the judge shall preside at the same, and shall cause a record to be made of the said proceedings. Either party may except to any ruling of the judge or court, as in ordinary trials, and may, in like manner, appeal from his decisions to the supreme court; continuances to a day not more than twenty days distant, or new trials, may be granted for good cause, as in other actions, and the proceedings, as near as may be, shall conform to the proceedings in ordinary suits. Judgment shall be entered against the city in favor of the several owners, respectively, for the damages assessed by the jury, upon which judgment execution shall issue, as in other cases, at the end of ninety days from the date of the judgment; the officers of the court shall be entitled to the same fees as for like services in other cases. Whenever judgment is rendered, the city may proceed to take possession of the land, and appropriate the same to the purpose mentioned in the petition, without waiting for the termination of any appeal which may be taken.

SEC. 3. In all cases of condemnation of property for public use, the mayor may allege, in his petition, that the property sought to be condemned of right belongs to the city, and not to the claimant; and if such allegation is made, then the court or judge shall first proceed to try the question of title between the city and the claimants; and if the title to all or any part of the land is decided to be in said claimant or claimants, then the jury shall assess the damages sustained by the said claimant or claimants, as in other cases, to the extent to which they shall appear to be entitled by the finding on the first issue.

SEC. 4. When the owners of the major part of the front of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may provide, by ordinance, for the opening, widening or altering of the same; but they may prescribe such conditions, to be complied with by the petitioners, as the council shall consider just and reasonable, and, if assented to by the petitioners, the mayor shall proceed as in other cases.

SEC. 5. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of grading or paving the sidewalks on such street, lane, or avenue: *Provided*, the said special tax shall not exceed the cost of such grading or paving, according to the respective fronts as aforesaid; and *provided, further*, that no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved, or macadamized, in the centre thereof.

ARTICLE VII.

Miscellaneous Provisions.

§ 1. Statement of receipts, expenditures, loans, &c., to be published annually.
2. This act not to repeal ordinances and resolutions in force.
3. All suits to be in the name of the City of St. Louis.
4. Certain actions, fines, &c., to accrue to this corporation.
5. Property, &c., to belong to this corporation.
6. This act not to invalidate certain former acts.
7. Powers of general assembly to alter or repeal this charter.
8. This act declared a public act.
9. Mayor to give publicity to this act.
10. The city may erect a workhouse.
11. Convict labor in workhouse, how regulated.
12. Inhabitants of the city exempted from working on county roads.
13. The city not to subscribe to stock in any corporation.
14. The city council may borrow money for certain purposes.
15. Fiscal year; when to terminate.
16. Digest of ordinances to be published.
17. Delinquent officers; how to be dealt with.
§ 18. Transcript from books of auditor to be evidence against delinquent officers.
19. Delinquents may obtain continuance of suit; when.
20. What credits may be allowed delinquents.
21. Appropriations for interest, lighting the city, and water-works; liability of mayor and councilmen in making over-appropriations.
22. Accounts to be kept of revenue applicable to interest, &c.
23. Auditor and treasurer to make statement of revenue.
24. Warrants to be issued for amount of indebtedness.
25. Repealing clause.
26. Powers and duties of present council.
27. Certain act concerning harbor, repealed.
28. Powers of police officers to make arrests in St. Louis county.
29. Provisions for a township police.
30. Property may be sold for city taxes.
31. Assessments, how made.
32. Certain act repealed.
33. Certain act concerning new limits continued in force.

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SECTION 1. The city council shall, at least once a year, not more than thirty nor less than twenty days before the annual election, cause to be published in the newspapers employed to do the city printing, a full statement of all the receipts and expenditures of every description for the current fiscal year, including all the moneys which have passed through the hands of the comptroller or treasurer, for any purpose whatever, together with the different sources of the city revenue, the amount received under each, the several appropriations made by the said city council, the objects for which the same were made, and the sums expended for each; also, a statement of all money borrowed upon the credit of the city, whether by temporary loans, or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purpose to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

SEC. 2. All ordinances and resolutions now in force in the City of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed, under this act.

SEC. 3. All suits, actions, and prosecutions, instituted, commenced or brought about by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the City of St. Louis.

SEC. 4. All actions, fines, penalties, and forfeitures, which have accrued to the city council of the City of St. Louis, or to the City of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created.

SEC. 5. All property, real and personal, heretofore belonging to the inhabitants of the Town of St. Louis, or to the trustees of said town in their corporate capacity, or to the mayor, aldermen and citizens of the City of St. Louis, or to the city council of the City of St. Louis, or to the City of St. Louis, shall be, and the same is hereby declared to be vested in the corporation hereby created.

SEC. 6. This charter shall not invalidate any act done by the mayor, aldermen, and citizens of the City of St. Louis, or the city council of the City of St. Louis, or the City of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act.

SEC. 7. The general assembly may, at any time, alter, amend, or repeal, this charter.

SEC. 8. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

SEC. 9. The mayor of the City of St. Louis shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the City of St. Louis.

SEC. 10. The City of St. Louis shall have power to erect and organize a workhouse in St. Louis county; any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the City of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse, until such fine and costs be fully paid: *Provided, however*, that no such imprisonment shall exceed the period of six months for any one offense.

SEC. 11. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of his board, fifty cents per day for each day's work, which amount shall go towards paying such fine and costs.

SEC. 12. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

SEC. 13. The city shall not, at any time, become a subscriber for any stock in any corporation.

SEC. 14. The city council shall have power, by ordinance, to provide for borrowing money for the following objects:

First—To complete the sewer on Biddle street, from Ninth street to the river.

Second—To build sewers on Poplar street, from Tenth street to the river; on Thirteenth street, from Washington avenue to Poplar street, and on Seventh street, from Olive street to Biddle street.

Third—To complete the town hall, and to purchase ground for and erect all public buildings necessary for the use of the corporation; and also to purchase wharves and public grounds, and to improve and keep the same in repair.

Fourth—To erect a new reservoir, and to extend and complete the water-works.

Fifth—To complete the works necessary for the improvement of the harbor, and to improve unimproved streets.

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Sixth—To erect a house of refuge and correction for juvenile offenders: *Provided, however*, that every ordinance for borrowing money shall specify the amount to be borrowed, and the object to which it is to be applied, and shall have been passed by two-thirds of the members elect of either board voting for the same: and, *Provided, further*, that no such ordinance shall be in force until the same shall have been submitted to the qualified voters of the city for their approval, at a special election to be held for that purpose only, and shall have been approved by the majority of the votes given at said election.

Seventh—To pay judgments against the city, when there is otherwise no money in the treasury to meet the same; and in case of money borrowed for this purpose, the same may be done upon a vote of two-thirds of the council, without submitting the same to the qualified voters of the city.

SEC. 15. The fiscal year of the city shall terminate on the day preceding the second Monday of April, in each year.

SEC. 16. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter.

SEC. 17. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury.

SEC. 18. In every case of delinquency, where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly.

SEC. 19. When suit shall be instituted against any delinquent, as aforesaid, the court, where the same may be pending, shall grant judgment at the return term, upon motion, unless the defendant shall, in open court—the city attorney being present—make oath or affirmation that he is entitled to credits, which had been, previous to the commencement

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of the suit, submitted to the consideration of the auditor, and rejected, specifying each particular item so rejected, in the affidavit, and that he cannot then safely come to trial; oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise.

SEC. 20. In suits, such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part, unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit to the auditor by some unavoidable accident.

SEC. 21. One half, at least, of the revenue of each year shall be appropriated to defraying the back and current interest on the debt owing by the city, created by way of loans to her, the erection of water-works, and lighting of the city conjointly; a separate account shall be kept of such appropriation and the disbursements thereof, and if any such appropriations shall be diverted from the appropriate objects, each member of the council voting for such misappropriation, and the mayor approving any bill or resolution making such misappropriation, shall be liable to the city in his individual estate to the amount of such misappropriation: *Provided, however*, any excess at the end of any fiscal year, remaining after the expenses attendant on those objects are liquidated and paid, shall constitute a sinking fund for the discharge of the debt or debts of the city made by way of loans to her, and may be so appropriated; and if any appropriation be made in other respects contrary to this act, each member of the city council voting for such appropriation, and the mayor approving any bill or resolution making such appropriation, shall be liable to the city in his individual estate to the amount of such appropriation: *Provided, however*, any excess, remaining after all legal appropriations for one year, shall constitute a sinking fund for the discharge of the debt of the city made by loans to her, and may be so appropriated.

SEC. 22. A separate account shall be kept of the revenue applicable to the different objects in this act indicated, and of the disbursements on account of each.

SEC. 23. At each session of the city council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for

neglect thereof, shall lay before each board of the council and the mayor, a statement showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which the revenue is applicable during the then current fiscal year, certified by them jointly.

SEC. 24. No warrant, bill, or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor, after the issue to him of such thousand dollar securities.

SEC. 25. All acts and parts of acts contrary to and inconsistent with the provisions of this act, or within the purview thereof, except the seventeenth section of the act entitled "An act to amend an act to incorporate the City of St. Louis," approved 8th of February, 1839, are hereby repealed.

SEC. 26. The present city council shall exercise all the powers and functions vested in the council under this act, until superseded under the same; and they shall, as soon as practicable, after the passage of this act, proceed to take an enumeration of the free white male inhabitants of the city, and to divide the city into wards, as prescribed by the same, and provide for elections, conformably to the same: *Provided, however*, the next election of aldermen and delegates shall not take place till after such enumeration and apportionment, but shall as soon thereafter as can be, which shall be prescribed by ordinance, and be, at least, within six months from the passage of this act.

SEC. 27. The second, third, fourth, seventh and eighth sections of an act, entitled "An act for the improvement of the harbor opposite to St. Louis," approved March 12, 1849," are hereby repealed, and the bonds already issued under authority of the said act shall constitute a portion of the debt of the City of St. Louis. (The effect of this amendment is to make the loan for improvement of harbor, opposite the south part of the city, chargeable to the general harbor loan.)

SEC. 28. The city marshal, and his deputies, and all police officers of the city, shall have power to make arrests at any place within the county of St. Louis.

SEC. 29. The county court of the county of St. Louis shall, annually, levy and collect a special tax of not exceeding one-twentieth of one per centum on the appraised value of all property within the township of St. Louis, and outside

of the limits of the city, and shall pay the proceeds of the said tax, as soon as collected, into the treasury of the city; and the said proceeds shall be specially set apart and appropriated to the maintenance of a township police, to be appointed in the same manner, and to be subject to the same rules and regulations, as the city police, but to be stationed and employed outside of the limits of the city, and within the said township, for the better security of the inhabitants thereof: *Provided, however*, that no such tax be levied until the provisions of this section are ratified by a majority of the votes cast by the qualified voters of that part of the township subject to the tax, at an election to be held for that purpose, under an order of the county court; and if so ratified, then the jurisdiction of the city is hereby extended over the township for police purposes, and all persons arrested therein may be tried and punished, or committed, as in cases of arrest within the city proper.

SEC. 30. The city council shall have power to cause property, upon which general or special taxes, levied by the city, remain unpaid after the expiration of the time fixed by ordinance, to be sold, and to direct the manner and conditions under which property sold for taxes may be redeemed.

SEC. 31. All lands and lots of ground shall be assessed for taxation at their actual cash value; and all houses and other improvements shall be assessed and taxed with the ground on which they stand.

SEC. 32. The seventeenth section of the seventh article of the "Act to incorporate the City of St. Louis," approved February 15th, 1841, is hereby repealed.

SEC. 33. This act shall not be so construed as to repeal or impair the force of the provisions of an act, entitled "An act supplemental to the several acts to incorporate the City of St. Louis, and to continue in force the law, known as the new limit law, as it now exists," passed at the session of the general assembly.

This act to be in force from its passage.

N. W. WATKINS,

Speaker of the House of Representatives.

THOS. L. PRICE,

President of the Senate.

Approved, March 3, 1851.

AUSTIN A. KING.

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MISSOURI. OFFICE OF SECRETARY OF STATE, }
City of Jefferson. }

I, EPHRAIM B. EWING, Secretary of State, do certify, that the foregoing act of the general assembly of the State of Missouri, entitled "An act to reduce the law incorporating the City of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved March 3, 1851, is a true and perfect copy of the original roll on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said office, at the city of Jefferson, this eleventh day of March, A. D. 1851.

[SEAL.]

EPHRAIM B. EWING,
Secretary of State.

AMENDED CITY CHARTER.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME," APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND FIFTY-ONE.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The first section of the third article of the act to which this is amendatory is hereby repealed, and the following enactment shall take the place of said section, and have full force and authority, as part of the charter of the City of St. Louis, to wit: The appropriations of the city council for payment of interest, for improvement, and for city expenses, except the proceeds of loans made in conformity to law for specific purposes, shall not exceed, during any one fiscal year, the income of said fiscal year. The revenue received from wharfage (deducting expenses of collecting the same, and other incidental expenses attendant thereon) shall be applied and appropriated exclusively to the improvement of the wharf, until the same be completed; and the harbor tax, and all other special taxes, shall be applied respectively to the objects to which they are applicable by law: *Provided however*, that, next after the special appropriations above named, a sum sufficient to pay the accruing interest on the city debt shall be set apart and appropriated for that purpose before any appropriation for any other object is made, and from the sum so appropriated no deduction or transfer shall be made under any pretense whatever: *Provided, further*, that the council may issue new bonds for the purpose of paying bonds matured, and apply the proceeds to the payment of bonds so falling due, or may appropriate the surplus revenues of each year to the payment of such bonds, or the creation of a sinking fund for that purpose.

SEC. 2. The whole of the sixth article of the said amended charter shall be and the same is hereby repealed, and the following shall be and is hereby enacted and established as

the law for opening and improving streets in the City of St. Louis, and shall be substituted for, and take the place of, said sixth article in the act referred to in the heading of this act, and of which this is amendatory, viz :—ARTICLE VI.—*Of opening and improving streets.*—*Sec.* 1. It shall not be lawful for the city council to grade, pave, macadamize, clean, water, or light any street, lane, avenue, or wharf, not established and opened according to law and ordinance. It shall nevertheless be lawful for the city council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same. *Sec.* 2. Whenever the city council shall provide, by ordinance, for establishing, opening, widening, or altering any street, lane, avenue, alley, wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the mayor shall cause to be ascertained by a jury of twelve disinterested freeholders of the city, the particulars of which proceeding shall be prescribed by ordinance. *Sec.* 3. The mayor shall appoint a day for impanneling a jury and ascertaining the damages, at least sixty days' notice of which shall be given to the persons whose property is proposed to be taken; and if any of the owners thereof are unknown, cannot be found by the marshal of the city, or [are] absent from the city, (and the return of the marshal shall be conclusive as to the facts therein stated,) publication thereof shall be made in at least two of the city daily newspapers, for at least four weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, and in the improvements to be made, that, on the day therein named, the mayor will cause the property therein described to be condemned for public use, as an alley, street, lane, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice, by publication as aforesaid, shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury with the payment of any portion of the damages in consideration of benefits to be derived by them. *Sec.* 4. It shall be the duty of the jury, first, to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of a lane, alley, street, avenue, wharf, or public square, without reference to the proposed improvement; then, for the payment of such sum, to assess against the city the value to the public gene-

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rally of the proposed improvement, and to assess the balance against the owner or owners of the property fronting on such lane, alley, street, avenue, wharf, or square, and in the blocks next adjacent, on either side or end thereof, according to the value of the property so assessed, and in the proportion that the owners thereof may be respectively benefited by the proposed improvement; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvements, as ascertained by the jury, shall be a lien or liens upon the property so charged, and shall be collected as provided by ordinance. The verdict shall be signed by each juror and delivered to the mayor. *Sec.* 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside and cause a new inquest to be made. *Sec.* 6. If the verdict of the jury is not set aside by the mayor, it shall be his duty, within four months, to report the same to the council; and if an appropriation is made by the council within three months thereafter to pay the sum or sums awarded to be paid by the city, it shall then be lawful for the city to take possession of the ground so condemned to public use: *Provided, however*, that if the title to the property proposed to be condemned is in controversy, nothing shall be paid therefor until the right to the money, ascertained by the verdict of the jury, is determined by the judgment of a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city unless the city be one of the claimants, and during such controversy the money shall remain in the city treasury. *Sec.* 7. When the owners of the major part of the front of all the property on the street, lane, avenue, alley, or wharf, proposed to be opened, widened, altered, or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners is deemed expedient, shall provide, by ordinance, for the opening, widening, or establishing the same, (but in that case no damages will be awarded to any of the petitioners,) and the proceedings for the condemnation of property, so proposed to be taken, shall in other respects be conducted as is prescribed by this article, where it is sought to condemn property for public use without the petition of the property holders. *Sec.* 8. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any lane, avenue, street, or wharf, according to the respective fronts owned or occupied by them, for the purpose of grading, and paving the sidewalk, and setting curb-

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stones in such street, lane, avenue, or wharf, provided the special tax shall not exceed the costs of such grading, paving and curbing, according to the respective fronts aforesaid: *And provided, further*, that no such improvements shall be ordered until the street, lane, avenue, or wharf, in front of such improvement, shall have first been planked, paved, or macadamized, in the centre thereof. Such tax shall be a lien on the property charged therewith, and payment thereof shall be enforced as prescribed by ordinance.

SEC. 3. It shall be lawful for the city council to sell the stores erected on block seven, between Market and Walnut streets, and apply the proceeds of such sale to the extinguishment of the debt created for the purchase of the ground and building of said stores. And the third clause of the fourteenth article of the said act, whereof this is amendatory, is hereby declared to confer upon the council the power to purchase ground for and erect a town hall, and other municipal buildings, in any part of the City of St. Louis; and to issue the bonds of the city for the purpose, under the same restrictions as are provided in regard to other loans. And it is also hereby further declared that judgments against the city on account of the damages to private parties, in case of opening streets (except those embraced in the recent compromises made by the city in regard to the wharf,) shall not be considered as ordinary judgments, payment of which is provided in the seventh clause of said seventh article of the said amended charter, approved, as aforesaid, March 3, 1851; but such judgment shall be held in abeyance, and the city shall not take possession of the ground condemned until the issue of the bonds to pay the same shall be authorized by vote of the council, eight members in each board approving; and in case where the award against the city shall exceed the sum of ten thousand dollars, a vote of the people being also taken, as in other cases of making loans: *Provided, however*, that if such action is not had within three months after the rendering of any such judgment or award against the city, the same shall be absolutely void and of no effect.

SEC. 4. In addition to the officers of the city now made elective by law, the following officers shall be elected by the people at the annual April election:—Comptroller, treasurer, superintendent of work-house, superintendent of water-works, and harbor master: *Provided, however*, that any city officer now in office shall hold the same until the end of the term for which he was appointed and commissioned.

SEC. 5. The fourth section of the act, entitled "An act for the improvement of the harbor of St. Louis," approved March

26th, 1845, and the twentieth section of the fourth article of the act to which this is amendatory, are hereby repealed; and the city council shall have power, by ordinance, to fix the compensation of all its members and other city officers.

SEC. 6. The twenty-first section of the seventh article of the act to which this is amendatory, so far as it conflicts with the first section of the third article thereof as herein amended, is hereby repealed.

SEC. 7. The second proviso to the sixth clause of the fourteenth section of the seventh article of the act of which this is amendatory, shall be and the same is hereby so changed and amended as to permit the vote of the citizens, in regard to any loan authorized by ordinance, to be taken at any general election held in the city, or at any special election held for that or any other purpose, if so ordered by the council in the ordinance proposing the loan.

SEC. 8. This act shall not be so construed as to repeal or impair the force of the provisions of an act, entitled "An act supplemental to the several acts to incorporate the City of St. Louis, and to continue in force the law commonly called the new limit law, as it now exists," approved March 1st, 1851, and which shall be so construed as not to allow any of the new limit fund to be appropriated for repairing streets.

SEC. 9. The City of St. Louis shall have power to subscribe any amount of stock she may deem proper to any railroad to be constructed within the State of Missouri; and may issue her bonds to pay her subscriptions, for such length of time, and upon such terms and conditions, as she may deem proper, and take all steps she may think proper to protect her interest in any railroad to which she may or has subscribed any stock.

SEC. 10. The City of St. Louis shall have power to direct to be built, at the expense of the city, any main sewer necessary to carry out the general system of sewers adopted; and to borrow money for the purpose of making any public improvement that may be deemed necessary for the city, or of acquiring any property for the public use of the city, and may, if necessary to accomplish the object, issue the bonds of the city, having not more than thirty years to run; but the authority hereby given shall not be exercised unless two-thirds of the city council shall pass an ordinance for the purpose, which shall be approved by the mayor; the sense of the qualified voters shall be taken at an election to be held for the purpose, after giving ten days' notice, in all the daily newspapers printed in the City of St. Louis, of the amount

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proposed to be borrowed, for what length of time, and for what purpose; and if a majority of those voting shall decide against making the loan, it shall not be made.

This act shall take effect from its passage.

Approved, February 23d, 1853.

MISSOURI. OFFICE OF SECRETARY OF STATE.

I, JOHN M. RICHARDSON, Secretary of State, hereby certify the foregoing is a correct copy of the original roll, on file in my office, of an act passed by the General Assembly of the State of Missouri, entitled "An act to amend an act entitled an act to reduce the law incorporating the City of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved March 3d, 1851.

IN TESTIMONY WHEREOF, I hereto set my hand, [L. S.] and affix the seal of said office. Done at the office of Secretary of State, in the city of Jefferson, this 10th of March, 1853.

JOHN M. RICHARDSON,
Secretary of State.

AN ACT

TO AMEND THE CITY CHARTER OF THE CITY OF ST. LOUIS.

§ 1. Amendment made to city charter. | § 2. Further amendment made.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That clause four (4) of section two (2) of the amended city charter of the City of St. Louis, approved February 23d, 1853, be amended by striking out the words "and in the blocks adjacent on either side or end thereof," and insert the following: "and of the property benefited."

SEC. 2. That the said city charter be further amended, by adding the following in section two of article three: "To levy and collect an annual pro rata tax on all fire insurance companies, for the purpose of defraying the expenses of the inspection of buildings, and investigating the causes of all fires."

This act to take effect and be in force from and after its passage.

Approved, March 5, 1855.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

1. Cost of grading and paving streets and alleys, how paid.
2. City engineer empowered to report plans, &c.
3. City council, when necessary or when petitioned, shall cause repairing to be done.
4. May cause grading and paving to be done in like manner.
5. Duty of city engineer.
6. City council may establish tax limit.
7. Time for completion of improvement of streets extended.
8. Publication by authority of law: how inserted.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The cost of grading, paving, repairing and repaving sidewalks, curbing and gutters alongside included, and of repaving the entire carriage-way, gutter included, of any street or any portion of any street, alley, the cost of grading, paving or repairing the pavements of any alley in the City of St. Louis, shall be borne by the owners of the property fronting thereon.

SEC. 2. The city engineer is hereby empowered, under the control of the city council, to repair and keep in repair all streets and alleys in the City of St. Louis, and to that end cause all the work to be done mentioned in the foregoing section.

SEC. 3. In those cases where the city council shall deem it necessary, and also in all cases where the owners of the major part of the lots or lands fronting on any paved street or portion of a paved street, or any paved alley or portion of a paved alley, may petition for repairing the same, the city council shall cause such repairing to be done in manner prescribed by ordinance.

SEC. 4. In those cases where the city council shall deem it necessary, and also in all cases where the owners of the major part of the lands or lots fronting on any alley or portion of an alley shall petition for the grading and paving of the same, the city council may cause such grading and paving to be done in like manner as prescribed in section 1.

SEC. 5. The cost of all grading, paving, repairing and repaving done in any street or alley, or portion thereof, and which is to be borne by the owners of the adjoining property,

shall be apportioned and charged on the adjoining lots in proportion of their front, in manner to be prescribed by ordinance, and shall be paid by the owners of such lots respectively; and the city engineer shall make out and hand to the respective city collectors for collection, on the first Monday of May and November in each year, the accounts of such apportioned cost of the improvements made during the six months on the tenth day of April and October preceding the first Monday of May and November, and the owners of the lots charged therewith shall be bound to pay said cost, charged like liabilities contracted by themselves, and may be sued therefor accordingly; and the lots or lands charged shall also be held by a lien for the respective apportioned share of such cost, until the same, with all cost attending the collection, be fully paid; such lien may be enforced by a special tax, levy and sale, or also by proceedings at law, all according to such proceedings and in such manner as may be prescribed by ordinance; and any share of such cost which shall not be paid at the time the same is made payable by ordinance, shall, until paid, bear and be chargeable with such rate of interest as the city council may ordain, not exceeding, however, twenty per centum per annum.

SEC. 6. The city council shall by ordinance establish a "special street and alley tax fund," which shall be charged and credited with all moneys collected and paid under the provisions of the foregoing section; and, in order to facilitate the carrying out of said provision, the next city council shall make an appropriation of not exceeding fifteen thousand dollars, and any city council thereafter may make an appropriation not exceeding five thousand dollars, during any fiscal year, for said "special street and alley tax fund."

SEC. 7. The time for completing the improvement of the unimproved streets within what is known as the old limits of the city, is hereby extended until the first day of March, eighteen hundred and fifty-seven.

SEC. 8. The city council shall cause all publications made by authority of the city, to be inserted in the first columns of the first page of the newspapers doing the city printing.

Approved, March 5, 1855.

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AN ACT

TO PROVIDE FOR THE REDUCTION OF THE CITY DEBT OF THE CITY OF ST. LOUIS.

§ 1. Mayor required to nominate to the board of aldermen a fund commissioner, to manage the sinking fund.
2. A sinking fund created and appropriated to purchase of city bonds; funds realized from the sale of city stores, city common, and money from city treasury.
3. Money to be deposited with banks, banking establishments or savings institutions, for which security is required, and interest at four per cent.; commissioner to make semi-annual report.
4. Fund commissioner to invest money in bonds of the city, which, when purchased, to be cancelled, with the coupons having to run less than ten years.
§ 5. Value of stock of railroads in which city owns an interest, to be reported, and council authorized to direct such stock to be sold, and proceeds used in the redemption of city bonds.
6. Commissioner to give bond to the city with good security; none but citizens qualified for commissioner; can be removed for cause.
7. Officer appropriating funds to his use, or refusing to give them up, guilty of embezzlement.
8. City council, by ordinance, to provide for compensation of fund commissioner, and the expenses of his office.
9. What portions of the act amending the city charter repealed; this act in force from its passage.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The mayor of the City of St. Louis, as soon as practicable after the passage of this act, and every two years thereafter, shall nominate to the board of aldermen an officer to be called "the fund commissioner," and when confirmed by the board, shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause, whose duty it shall be to manage and control the sinking fund hereafter created.

SEC. 2. There is hereby created a sinking fund for the City of St. Louis, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by said city; said fund shall consist of the sales of the city stores in block number seven; also, three-fourths of the net proceeds of the sales of the city commons in the year 1854, and three-fourths of the net proceeds of the sales of the city commons and

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ers of the fund commissioner, and make a report thereon, to be filed in the comptroller's office. The fund commissioner shall also make a semi-annual report to the city council, in the months of January and July of each year, giving a detailed account of the condition of the sinking fund, and of his transactions as fund commissioner.

SEC. 4. The fund commissioner, as fast as money comes into his hands in suitable amounts, shall invest the same in bonds of the city, and when purchased, they shall be cancelled in the presence of the mayor and comptroller, together with all coupons having more than ten years to run from the date of the purchase; and the fund commissioner shall have credit for the bonds so cancelled; but all coupons attached to the bonds so purchased, falling due within ten years from the date of the purchase, shall be cut off and retained by the commissioner and collected by him at maturity, as other coupons, and the proceeds added to said sinking fund; and on failure to pay said coupons, said commissioner may cause them to be protested, and enforce their collection against the city in his own name, as though they were his individual property, and he shall stand charged with the coupons so retained.

SEC. 5. As soon as the respective railroads, in which the city has taken stock, are completed, he shall give, in his semi-annual report to the city council, such general information as he may possess about the value of the stock in the respective roads, and the city council may at any time by ordinance direct the stock held in any of said roads to be sold, and the proceeds invested in the purchase or redemption of city bonds; and all dividends derived from any road, over and above the interest due on the bonds issued in payment for the railroad stock for the current year, shall be added to the sinking fund.

SEC. 6. The fund commissioner shall give bond to the city in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties, with good and sufficient security to be approved by the mayor; and no person shall be eligible for the office of commissioner who is not a citizen of the United States, and who has [not] resided in the city or county of St. Louis at least seven years previous to the date of his appointment; and such commissioner may, at any time after notice given, be removed for cause, by a vote of two-thirds of the board of aldermen, the cause of removal to be spread upon the record of their proceedings. In case of the death, removal or resignation of

the commissioner, the mayor shall fill the vacancy by an appointment for the remainder of the term.

Sec. 7. Any fund commissioner who shall appropriate to his own use any money, bonds, notes, or other securities, in his hands, belonging to the city, or who shall refuse to deliver the same to his successor in office, or to any person entitled to receive the same, shall be deemed guilty of embezzlement.

Sec. 8. The city council shall, by ordinance, provide for the compensation of the fund commissioner, and the necessary expenses of the office.

Sec. 9. So much of an act entitled "An act to amend an act to reduce the law incorporating the City of St. Louis, and the several acts amendatory thereof, into one act, and to amend the same," approved February twenty-third, 1853, as conflicts with the foregoing provisions, be and the same is hereby repealed.

This act shall take effect and be in force from and after its passage.

Approved, March 5, 1855.

AN ACT

TO PREVENT RIOTS AND BREACHES OF THE PEACE.

§ 1. What shall be deemed an affray; punishment therefor.
2. Unlawful assembly; how punished.
3. Riotously disturbing the peace; punishment.
4. Individuals may be indicted singly.
5. If twenty or more persons unlawfully and tumultuously assemble; duty of certain officers.
6. Persons refusing to assist in making arrests, deemed one of the unlawful assembly; punishment.
7. Persons making a noise to prevent command of officer being heard, and other persons, may be punished.
§ 8. Magistrate or other officer neglecting to perform his duties; how punished.
9. Power and authority of mayor and other officers when persons fail to disperse.
10. All persons summoned shall obey orders.
11. In cases of killing, wounding, &c., magistrates and other officers and persons shall be held guiltless.
12. Persons engaged in a riotous assemblage liable for damage.
13. Cities and towns liable for damages; when.
14. Damages paid for injuries done; how recovered.

§ 15. Not liable for certain kinds of property.
16. Claims not transferable before return day.
17. Mayor may require minors to keep within doors; when. Penalty.
18. Mayor may cause drinking shop to be closed, and forbid the sale of intoxicating drinks; how and when. Penalty for disobeying proclamation.
§ 19. Legislative bodies of towns and cities may direct the mode of proceeding against minors and their punishment.
20. An act to prevent riots and mobs repealed.
21. This act to take effect: when.
22. Shall only apply to St. Louis county.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION. 1. If two or more persons shall, voluntarily or by agreement, engage in any fight, or use any blows or violence towards each other, in any angry, or quarrelsome manner, or do each other any wilful mischief; or if any person shall assault another and strike him, in any public place, to the terror or disturbance of others, the person or persons so offending shall be deemed guilty of an affray, and, on conviction, shall be punished by being imprisoned in the county jail for a term not exceeding three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

SEC. 2. If three or more persons shall assemble together with the intent, or being assembled, shall agree mutually to assist one another to do any unlawful act with force or violence against the person or property of another, or against the peace, or to the terror of the people, such persons so assembling, and each of them, shall be deemed guilty of an unlawful assembly, and on conviction thereof shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 3. If three or more persons being assembled, as mentioned in the second section of this act, shall proceed to carry out or accomplish their purposes, or do any unlawful act in furtherance or supposed furtherance of said purposes, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any unlawful act, shall be deemed guilty of a riot, and, being convicted thereof, shall be punished by imprisonment in the penitentiary of the State of Missouri for a period not exceeding five years, or by a fine not exceeding two thousand dollars, or by both such fine and imprisonment: *Provided*, that nothing in this section

contained shall be construed to exempt any person offending against its provisions from any higher or heavier punishments annexed by law to any felony which may be committed by such rioters.

Sec. 4. Any individual engaged in such riot may be indicted and punished singly.

Sec. 5. If twelve or more persons armed with clubs, stones or other dangerous weapons, or if any number of armed or unarmed persons exceeding twenty, shall unlawfully, riotously or tumultuously assemble in any city or town within this State, it shall be the duty of the mayor and each member of the board of aldermen, and each member of the board of delegates or other legislative council of such municipality, and of the sheriff, coroner and marshal, and their respective deputies, of the county in which such town or city is situate, and of each justice of the peace, including every person who is by virtue of his office a conservator of the peace of the State, to go among such persons so assembled, or as near to them as may be consistent with safety, and to command all such persons so assembled to disperse immediately and repair to their respective places of business or abode; and if such command be not forthwith obeyed, to proceed to arrest all persons so refusing or failing to obey such command, and to command all bystanders or spectators to aid and assist in making such arrests.

Sec. 6. Every person so commanded to assist in making such arrest, and failing or refusing to assist as required, and every person who shall fail to dispense [disperse] forthwith on being commanded as aforesaid, shall be deemed to be one of the unlawful assembly, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Sec. 7. Should the persons so assembled, as described in the fifth section, make a noise and clamor, so that the voice of the officer commanding them to disperse cannot be heard or distinguished, all persons so clamorous, and all persons standing with, by or among such persons, shall be deemed to have full notice of command to disperse, and shall, on failure to do so forthwith, be punishable as for a willful refusal to obey such command.

Sec. 8. Any magistrate or officer mentioned in section five of this act who shall be informed, or have notice of such riotous assemblage, and who shall refuse or neglect to perform the duties enforced on him by said fifth section in that behalf, shall be, on conviction, adjudged guilty of a misde-

meanor in office, and punished by a fine not exceeding five hundred dollars.

SEC. 9. If the persons assembled as indicated in the fifth section of this act shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are hereinafter named, have power and authority to require the aid of a sufficient number of persons in arms or otherwise, and to proceed as they may deem expedient, and to repress and disperse such riotous assemblage and arrest offenders; that is to say, the duty of requiring the aid of such force, and directing its employment, shall devolve in the first instance on the mayor of the town or city in which such assemblage occurs, and if he be not present or not able to act, then on the judge of any court of record, the sheriff, the marshal, the coroner, or any two justices of the peace. In case of the absence of any of the officers mentioned in this section, the officer named after him therein, shall have all the power and authority which such absentee would have had if present.

SEC. 10. Such force armed or unarmed, summoned as provided in the preceding section, and all persons co-operating with them, shall obey such orders for the suppression of such riot as they may receive from the magistrates, or any of them to whom authority to require their aid is given by the ninth section of this act.

SEC. 11. If by reason of the efforts made by any of such magistrates and officers, or person co-operating with them, to suppress such riotous assembly or arrest those engaged in the same, any person so engaged in such riotous assembly, or giving aid or countenance thereto, or who may have refused to disperse, although the number of such persons may be reduced to less than twelve, or any person or persons present as spectators or otherwise, be killed, wounded, or otherwise hurt, such magistrates and officers and all persons acting with them by order of such magistrates or officers, as defined in said ninth section, shall be held guiltless and justified in law; but if any such magistrate, officer or person acting under their orders or directions, or co-operating with them, be killed or wounded by reason of resistance to such efforts to disperse and repress such riotous assemblage, all persons so riotously assembled and not dispersing after command, and all persons standing by and not aiding to disperse and repress such riotous assemblage, shall be answerable therefor as for willful and deliberate felony or misdemeanor, according as the injuries committed be homicide, mayhem, or any less injury.

SEC. 12. All persons forming part of an unlawful and riotous assemblage shall be liable to any damaged in person or property by the acts of such unlawful assemblage.

SEC. 13. The city or town in which such trespasses may be committed shall be liable to pay to the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof, or the damage thereto: *Provided*, such person shall have diligently sought to prosecute, without being able to do so, the parties guilty of and liable for such trespasses, as provided by the twelfth section of this act.

SEC. 14. Any city or town paying such damages to the party injured by such riotous assemblage, may recover the same with ten per centum added thereto, besides interest and costs, of any person or persons engaged as a participant in such riotous assemblage, by action of debt or a civil suit analagous thereto, at any time thereafter.

SEC. 15. No town or city shall be liable, under the provisions of the thirteenth section of this act, for the damage or destruction of property of the following descriptions: *first*, property contained in any building or place, the occupant of which is carrying on business there, or engaged in a calling or avocation in violation of any law of Missouri or the United States, or ordinance of the town or city in which such property may be; *second*, property contained in any shop, house, place, or building, whereat either distilled or fermented liquors are sold or given in any quantity less than five gallons; *third*, all fixtures and furniture in such shops, houses, places, or buildings, mentioned in the second subdivision, and the shops, houses, places or buildings themselves; *fourth*, all money, bullion and jewelry, and objects of art, wherever found; *fifth*, all property, of whatever description, belonging to a person who may have been in any way contributory to, or instrumental in, bringing on such riotous assemblage.

SEC. 16. No person having such a demand or claim against a town or city as is mentioned and provided for in section thirteenth, shall be allowed to assign or transfer the same at any time before the return day of the execution issued upon a judgment obtained therefor, and any attempt to assign or transfer the same, or any part thereof, shall be and shall operate as a satisfaction and discharge of such demand or claim, so far as any recourse against a town or city, under section thirteen of this act, is concerned, but not as against any person composing the riotous assemblage committing the trespass.

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SEC. 17. Any mayor or chief magistrate of any town or city, being apprehensive of a riot or riotous assemblage within such town or city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and, on conviction, may be imprisoned in the house of correction of such city, or other safe place of confinement, to be prescribed by ordinances of such city, for a period not exceeding thirty days.

SEC. 18. The mayor or chief magistrate of any town or city in this State may, by proclamation, cause all drinking shops, bars, and other places where intoxicating liquors or drinks are customarily sold, given or dispensed, to be closed for any period of time not exceeding thirty-six hours, upon any election for officers of the city, town, State, county, or of the United States; and may also, by proclamation, forbid all persons to sell, give, lend, barter, or otherwise dispense or distribute intoxicating drinks or liquors, during the same period of time, within such town or city, or within one mile of its corporate limits, and any person disobeying such proclamation, and each and every person aiding, abetting or co-operating with him, shall be immediately arrested and proceeded against by indictment, and, on conviction, shall be punished by imprisonment in the county jail for a time not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 19. The legislative bodies of any incorporated town or city within this State may, by ordinance, direct the mode of proceeding against minors for a violation of section seventeenth of this act, and may vary the punishment, so that they do not affix to the simple offence [of] disobeying said seventeenth section, a greater punishment than a fine not exceeding one hundred dollars, or an imprisonment in the house of correction of such city not exceeding six weeks, or by both such fine and imprisonment.

SEC. 20. An act entitled "An act to prevent riots and mobs within incorporated cities of the State of Missouri," approved February 21, 1855, is hereby repealed.

SEC. 21. This act shall take effect from and after its passage.

SEC. 22. The provisions of this act shall only apply to and be in force in the county of St. Louis.

Approved, March 5, 1855.

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AN ACT

TO ESTABLISH A HOUSE OF REFUGE IN ST. LOUIS COUNTY.

§ 1. City authorized to erect buildings; when and for what purpose.
2. County court required to make an appropriation.
3. Persons committed, to remain until twenty-one years of age; when.
4. Expenses of prisoners; how paid.
5. Proceedings for admission of a child or ward. Expenses; how secured.
6. Minors committed; how controlled.
§ 7. Writs of habeas corpus to discharge minors; jurisdiction of; to whom confided.
8. Parent of guardian may demand a public trial of minor.
9. Controlled by board of managers; how appointed; term of office; meeting of; when held.
10. Powers of managers.
11. Debts of; how discharged; city may sue for debts due.
12. Duties of board of managers.
13. Visitors and inspectors.
14. Children committed; when and by whom.
15. When act shall take effect.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The city council of the City of St. Louis is hereby authorized and directed to erect upon the following described lot of ground or parcel of land, to-wit, block numbered eighty (80), of the common of St. Louis, according to the survey and plat thereof, made by Charles D. Ward, such buildings and improvements, in addition to those now on said land, as may be suitable for a house of refuge for the confinement and reform of juvenile offenders.

SEC. 2. The county court of St. Louis county is hereby authorized and directed to appropriate toward said buildings and improvements the sum of twenty thousand dollars.

SEC. 3. All males under sixteen, and females under fourteen years of age, who shall, under existing laws of the State of Missouri, or ordinance of the City of St. Louis, or such as may hereafter be enacted or passed, be liable to confinement in the workhouse of St. Louis city, the county jail of St. Louis county, or the penitentiary of the State of Missouri, may, at the discretion of the court or magistrate giving sentence, be placed in the said house of refuge, and when so placed, shall be, until reaching the age of twenty-one years, under the exclusive control of the managers of said house of refuge according to the regulations hereinafter provided; but if the imprisonment or confinement to which

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such minor would be liable be only provisional, in order to bring such minor to trial for a supposed offence, or to secure his or her attendance as a witness in a criminal cause, in every such case such minor shall be sent to said house of refuge, and the authority of said board over such minor, arising from such order of commitment, shall cease upon the occurring of the event in respect of which it was made.

SEC. 4. The keeping and expenses of all prisoners committed to said house of refuge, by order of any court of St. Louis county, shall be paid for by the county, according to the rates fixed in the regulations adopted for said house as hereinafter provided.

SEC. 5. Any parent or guardian having legal power to apprentice any male child or ward under the age of sixteen years, or female child or ward under the age of fourteen years, who shall, in writing, by him or her signed, represent to the board of manages of said house of refuge, that such child or ward is a proper and fit subject for admission into said house of refuge, stating the particular facts which constitute such fitness, and petitioning said managers to take charge of such child or ward, may be examined in relation thereto by said board of managers, who are authorized to receive all such children or wards at their discretion. The expenses of such child or ward shall be, before such reception, secured to be paid by the parent or guardian, unless in case where the managers, for good cause, shall otherwise determine; and in all cases where such payment is ordered to be made by such parent or guardian, it shall be according to rates fixed in general regulations hereinafter provided for.

SEC. 6. In the case of every minor committed to, or received in said house of refuge, such minor shall, until reaching the full age of twenty-one years, be under the entire control of the managers of said house.

SEC. 7. The circuit court, the court of common pleas, the land court, the county court, and the criminal court of St. Louis county, or the judges of any of said courts in vacation, shall have exclusive jurisdiction of all writs of habeas corpus for the discharge of any minor confined in said house of refuge, and no other court or magistrate in St. Louis county shall have jurisdiction to issue or take cognizance of any such writ, or any proceeding thereunder tending to such discharge, except in the case of there being in St. Louis county no such court or magistrate as those above mentioned, to whom exclusive jurisdiction is confided, able to issue or hear such writ at the time it is sought for; and in every case

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wherein application be made to any court or magistrate not having such exclusive jurisdiction for a writ of habeas corpus for the discharge of any person alleged to be confined in or at said house of refuge, or by virtue of the order of the managers thereof, every fact necessary to give jurisdiction to such court or magistrate shall be distinctly shown in the application and verified by affidavit of the applicant, or his or her agents.

SEC. 8. All males under sixteen, and all females under fourteen years of age, in St. Louis county, charged with any crime or misdemeanor, or punishable by imprisonment, shall be entitled to, and shall have a private examination and trial, to which only the parties to the case shall be admitted, unless the parent or guardian of such minors demand a public trial.

SEC. 9. The said house of refuge, its officers and inmates, shall be under the control of the board of managers hereinbefore mentioned, who shall consist of nine members, whereof one shall be the mayor for the time being of the City of St. Louis; two shall be appointed by the county court of St. Louis county; four shall be members of the city council for the time being, to be chosen in joint session of said council, (two from each board,) and two shall be appointed by the mayor of the City of St. Louis from the citizens at large, and approved by the board of aldermen. They shall hold their office for a period of one year, and a majority of said board of managers shall be a quorum for the transaction of any business, or the exercise of any power herein conferred upon said board; said board shall choose a chairman and shall have at least one stated meeting in each month.

SEC. 10. Said board of managers of said house of refuge shall have power and authority: *First*—To make all needful contracts for said house of refuge. *Second*—To make, establish, alter and enforce all needful regulations for the government and control of said house of refuge, its officers and inmates. *Third*—To issue a writ directed to any sheriff, marshal or constable of the State of Missouri, or any municipality or county thereof, for the recapture of any fugitive from said house of refuge; such writ shall be in the name of the State of Missouri, may be signed by any two of said board of managers, and shall, thereupon, be of legal and valid force. *Fourth*—To make all needful by-laws for the government of said house of refuge. *Fifth*—To employ and appoint such officers as may be needful, and fix their salaries: *Provided*, that no member of said board shall at any time receive, di-

rectly or indirectly, any compensation for any services by him rendered to said institution. *Sixth*—To apprentice any inmate of said house of refuge until the time when such inmate shall reach the age of twenty-one years if a male, and eighteen years if a female. *Seventh*—To discharge any inmate of said house of refuge.

SEC. 11. All debts contracted by said house of refuge shall be discharged by the City of St. Louis; and the City of St. Louis shall have power to sue for and recover any debt due, or damages accruing to said house of refuge.

SEC. 12. Said board shall keep a record of their proceedings, and shall report on the first Monday of May in each year, to the city council of the City of St. Louis, the fiscal affairs, management and condition of the said house of refuge.

SEC. 13. The mayor and city council of St. Louis, the judge of the county court of St. Louis county, or the grand jury of the county of St. Louis, may at any time visit and inspect the said house of refuge, and examine the records and books of account of said board.

SEC. 14. Every child found in said city in a state of want, or abandoned, or improperly exposed, or grossly neglected by its parents or persons having its charge, or soliciting charity from door to door, or in any street or highway or public place, and every child of any person in said city convicted of being a common prostitute or keeper of a bawdy house, or house of resort for prostitutes, or of assignation, and every child found in such houses may be committed to said house of refuge by the mayor or by the recorder of said city, or by any two aldermen, or by any two justices of the peace of said city, upon complaint and competent proof of the facts charged; and when so committed, shall be kept and be under the control of the managers of said house, as provided in section sixth of this act.

This act to take effect from and after its passage.

Approved, February 28, 1855.

AN ACT

TO AUTHORIZE CERTAIN INDIVIDUALS TO ESTABLISH WEIGHING SCALES IN ST. LOUIS COUNTY.

§. 1. Owners of certain land authorized to erect scales.
2. May appoint weigher; appointment how approved; salary how paid; duty of.
3. Certificate of weigher valid in city or county.
§ 4. Fees for weighing; how charged.
5. Standard of weights; how regulated.
6. Scales may be established; how and when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the owner or owners of the land at the north-east corner of Arsenal street and the Gravois road, in the county of St. Louis, fronting at least one hundred and eighty feet on the Gravois road, by a depth running east on Arsenal street, of five hundred feet, be and are hereby authorized, on so much of said lots as may be necessary, to erect, and keep for public use, scales for the weighing of coal, hay, and all other articles of produce commonly sold by weight, and also all cattle and provisions that may be offered for weight, and also a weigher's office, to be called the "Gravois road scales."

SEC. 2. The said owner or owners may appoint a suitable person to do such weighing, subject to the approval of such appointee by the county court of the county of St. Louis, or by the mayor of the City of St. Louis, whose salary shall be paid by the said owner or owners of the land aforesaid; and it shall be the duty of such weigher to attend to the business of weighing at all suitable times for public convenience.

SEC. 3. The certificates of all weighing at said scales, and signed by said weigher, shall be good and valid within the limits of the city and county of St. Louis, and of equal legality and effect as similar certificates of weighing done within said limits.

SEC. 4. That the said owner or owners are hereby authorized to charge and collect fees for such weighing, but such fees shall never be greater than those charged for similar services under the ordinances of the City of St. Louis.

SEC. 5. That any scales established under this act shall be required to conform to the standard of weights established

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by the authorities of the City of St. Louis, and shall be under the supervision and regulation of said authorities as city scales are in this particular.

SEC. 6. It shall be lawful for any owner or owners, lessee or lessees, of any land, on any public road or highway leading into the City of St. Louis, to establish and keep for public use scales for the weighing of hay, coal, cattle, and any articles of produce usually sold by weight, subject to the provisions of this act in all respects.

This act to take effect from and after its passage.

Approved, February 28th, 1855.

AN ACT

TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. All that district of country, situated in the county of St. Louis, embraced within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, where the continuation of the south side of Keokuk street eastwardly would intersect said main channel; thence westwardly by the said line of the south side of Keokuk street to a point six hundred and sixty feet west of Grand avenue; thence northwardly and parallel to said Grand or Lindell avenue, at a distance of six hundred and sixty feet therefrom, until it intersects the Bellefontaine road; thence north-east to the line dividing townships forty-five and forty-six north, range seven east; thence eastwardly with said line and in the same direction to the middle of the main channel of the Mississippi river; thence southwardly with the meanderings of the main channel of said river to the place of beginning, is hereby incorporated into a city, by the name of the City of St. Louis.

SEC. 2. All acts and parts of acts now in force concerning the City of St. Louis or the inhabitants thereof, and not inconsistent with or repugnant to the provisions of this act, shall extend to all the district of country included in the above mentioned boundaries, and to all inhabitants therein; and the mayor and city council shall have and exercise within said boundaries all the power and authority now vested by law in the mayor and city council of the City of St. Louis, as at present established, except as herein otherwise provided.

SEC. 3. The City of St. Louis, including the territory hereby added to the same, shall hereafter be divided into eight wards, and the city council may at any time district the city into ten wards, the boundaries of which shall be fixed by the city council, by straight lines running east and west, deviating to equalize population; and each ward shall, as near as practicable, contain an equal number of white male inhabitants; and the city council shall, from time to time, change the lines of each of said wards for the purpose of equalizing population in the same; but in so changing must adhere to straight lines as above, as near as may be; and each of which wards shall have the same representation in the city council, and board of president and directors of the St. Louis public schools, to which a ward in the present city is entitled. One of the representatives in the city council of each of the wards, as herein established, shall be a resident of the extended new limit portion thereof.

SEC. 4. The taxes to be levied by the mayor and city council upon the taxable property in said extended new limits, during the period of ten years from the passage of this act, shall not exceed one-third of one per centum per annum on the assessed value thereof; saving, however, the harbor and other taxes hereinafter provided for.

SEC. 5. The mayor and city council of the City of St. Louis shall, without unnecessary delay, establish by ordinance a general plan for the location and graduation of streets within said extended new limits, and in all subdivisions of property hereafter to be made by the respective owners, they shall conform their streets to said general plan, unless it be otherwise permitted by ordinance.

SEC. 6. In cases where the mayor and city council shall deem it necessary, and also in all cases where the owners of the major part of the land, or lots, fronting on any street, or portion of street, in the extended new limits, shall petition for the grading, paving or macadamizing thereof, the city council may cause grading, paving or macadamizing to be done in manner as prescribed by ordinance. The cost of all rough grading shall be paid out of the general city treasury; the cost of all paving, whether of the carriage-way, gutters, curbing, side-walks or cross-walks, done under the provisions of this section, shall be apportioned and charged on the adjoining lots in the proportion of their front, and be paid by the owners of such lots, respectively, and they shall be bound to pay for the same as though the liabilities were contracted by themselves, and may be sued therefor accordingly; and the lots or lands chargeable therewith shall also

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be held by a lien for the respective apportioned share of such cost until the same be fully paid. Such lien may be enforced by special tax, levy and sale, or by proceedings at law, all according to such proceedings as may be prescribed by law.

SEC. 7. In addition to the taxation hereinfore authorized, the mayor and city council may levy a tax not exceeding one-twentieth of one per centum per annum upon all taxable property in the territory hereby added to the City of St. Louis, for the preservation and continuation of the improvements in the harbor of said city.

SEC. 8. The wharfage collected within the extended new limits shall be expended for the improvement of the wharf in the wards respectively where collected, and separate accounts shall be kept for that purpose.

SEC. 9. All money, bonds, notes, and other evidences of debt, belonging to the school fund of fractional township 45 north, range 7 east, outside of the City of St. Louis as hereinbefore incorporated, shall be divided between the board of president and directors of the St. Louis public schools, as trustees of the general school fund of the city hereby established, and between the county court of St. Louis county, for the benefit of said fractional township outside of the city hereby established, namely, on the following basis; One-half of the funds, according to the ratio of population, and the other half according to the ratio of territory, namely, of said fractional township included in the extended new limits of said city, and of the said township outside of the same; to be determined by two commissioners, who shall be appointed, one by each of the said parties, sharers in the funds, who, failing to agree, shall appoint an umpire, to be chosen from the county outside of said city or township. The further management and sale of section sixteen of said fractional township shall remain with said county court, in accordance with the act of the general assembly of this State, approved March 3, 1851, entitled "An act to authorize the sale of fractional section 16, township 45 north, range 7 east;" and after such sale of any unsold portion of said section, the fund arising therefrom shall be divided between the two parties, sharers in accordance with the ratio which shall have been determined according to the succeeding provisions of this section, the county court of St. Louis county first paying all cost of management and sale of the lands, at all times to reserve a sufficient sum to pay the probable expenses relating thereto.

SEC. 10. The funds belonging to the board of president and directors of the St. Louis public schools before the passage

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of this act, and according to this act, shall be a common fund, for the use and benefit of the whole city as hereby established.

SEC. 11. The property of the present city of Bremen, and of the second municipality, shall be vested in the City of St. Louis, and the latter shall assume the indebtedness of Bremen, not exceeding five hundred dollars, and of the second municipality, not exceeding one hundred dollars, and shall receive all sums of money that may be due to said Bremen and to said second municipality for taxes or otherwise.

SEC. 12. Hereafter, not less than two polls shall be opened in each of said wards, in said city, at elections.

SEC. 13. The separate incorporations of the city of Bremen and second municipality are hereby vacated and abolished.

SEC. 14. This act shall not be so construed as to vacate the seat of any member of the board of aldermen holding over until their term would expire under the provisions of the present city charter, and such aldermen shall constitute one of the two aldermen to which each ward is entitled, from the wards in which they may respectively reside when the city is districted into wards, in accordance with the provisions of this act.

SEC. 15. The mayor of the City of St. Louis shall, immediately after the passage of this act, take measures to promulgate this act within the limits of the City of St. Louis, by publication in all the daily newspapers in said city, as herein established.

SEC. 16. All acts and parts of acts repugnant to this act are hereby repealed, and this act shall take effect from and after the thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-five, excepting the 15th section, which shall take effect from and after the passage hereof.

SEC. 17. The City of St. Louis shall purchase of the joint stock companies so much of the several plank roads included within the boundaries of the extended new limits as are owned by said companies, at such prices as may be agreed upon between the city council and the directors of said companies; and if they cannot agree, the value of said interest shall be assessed as other property taken for public use: *Provided, however*, that so much of said roads, or any of them as are owned by the County of St. Louis, is hereby vested in the City of St. Louis free of charge.

SEC. 18. This act shall not change or in any manner affect an act entitled "An act supplemental to the several acts to incorporate the City of St. Louis, and to continue in force

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the law commonly known as the new limit law, as it now exists," approved March 1, 1851.

SEC. 19. The district of country hereby added to the City of St. Louis shall be designated the "Extended New Limits."

SEC. 20. There shall be an election held on the first Monday in April next, in the City of St. Louis, and the proposed extended new limits, for the purpose of ascertaining the will of the voters of said city, and the proposed new limits; and the county court of St. Louis county shall open two polls, one for "extension," the other "against extension," in the proposed extended new limits, at such places as they may think best; and if a majority of all the votes cast in the City of St. Louis, and in the proposed extended new limits, should decide in favor of extending the same as proposed, then and in such case this act shall be in full force and effect, otherwise it shall be null and void.

Approved, December 5, 1855.

AN ACT

TO AUTHORIZE THE CITIES OF ST. LOUIS AND CARONDELET TO MAKE AN AGREEMENT CONCERNING A WORKHOUSE.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The Cities of St. Louis and Carondelet shall have power to make any contract, agreement, or arrangement, by which the City of Carondelet may imprison persons in the workhouse of the City of St. Louis, or in the enclosures or appurtenances thereof, for the violation of any ordinance or by-law of the City of Carondelet; and the person so imprisoned my be required by the City of Carondelet to work or labor in such workhouse or enclosure, or appurtenances or elsewhere, under such rules and regulations as said City of Carondelet may by ordinance prescribe.

This act shall take effect and be in force from and after its passage.

Approved, December 5, 1855.

AN ACT

SUPPLEMENTARY AND EXPLANATORY OF AN ACT ENTITLED "AN ACT TO PREVENT RIOTS AND BREACHES OF THE PEACE."

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Section thirteen of said act shall be and the same is hereby amended so as to read as follows: The city or town in which such trespass may be committed shall be liable to pay to the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof, or the damage thereto.

SEC. 2. Section fifteen of said act shall be and the same is hereby so amended as to repeal the second, third and fourth subdivisions of said fifteenth section; the first and fifth subdivisions of said act shall, however, remain in full force and effect.

This act to be in force from and after its passage.

Approved, December 5, 1855.

AN ACT

LEGALIZING THE SUBSCRIPTIONS OF THE CITY OF ST. LOUIS FOR STOCK OF THE OHIO AND MISSISSIPPI RAILROAD COMPANY.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That all subscriptions heretofore made for stock of the Ohio and Mississippi Railroad Company, located in the State of Illinois, in the name of and for account of the City of St. Louis, by any officer thereof, by virtue of any ordinance of said city therefor, is hereby legalized and declared as valid and effectual as if lawfully authorized at the time such subscriptions were made, and shall be so considered and adjudged in all courts of this State.

This act shall take effect from and after its passage.

Approved, December 7, 1855.

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AN ACT

SUPPLEMENTAL TO, AND AMENDATORY OF, AN ACT ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES," APPROVED DECEMBER 5, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That sections fourteen and twenty of the act entitled "An act to extend the limits of the City of St. Louis, and for other purposes," approved December 5th, 1855, are hereby declared inoperative, and said act shall take effect and be in force from and after the thirty-first day of March next, any thing in said act to the contrary notwithstanding; and the mayor and city council of said city shall have said city districted into wards, according to the provisions of said act, without delay, so that the first election for city officers, under the act to which this is supplementary, shall take place on the first Monday of April, 1856.

This act shall take effect from and after its approval.

Approved, December 8, 1855.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS INTO ONE ACT, AND TO AMEND THE SAME," APPROVED FEBRUARY 23, 1853.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That so much of section four, article six, of the above entitled act as provided for the election of superintendent of the workhouse and superintendent of waterworks, be and the same is hereby repealed, and said officers shall be appointed by the mayor, as other officers are appointed; and so much of section eleven (11) of article four of an act entitled "An act to incorporate the City of St. Louis, and the several amendatory acts thereto into one act, and to amend the same," approved March 3, 1851, as provides for the election of city marshal, be, and the same is hereby repealed; and said city marshal shall be appointed

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by the mayor in the same manner as other officers: *Provided, however*, that the present incumbents of said offices shall be entitled to serve out the full time for which they were elected.

This act to take effect and be in force from and after its passage.

Approved, December 11, 1855.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO AUTHORIZE CERTAIN PERSONS IN ST. LOUIS COUNTY TO ERECT WEIGHING SCALES," APPROVED FEBRUARY 28, 1855.

§ 1. Certain weighing in St. Louis county declared illegal.
2. Connection with public scales in certain cases, forbidden.
§ 3. When and where public scales shall be authorized; fees regulated.
4. Repeal of certain law.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. No person who sells, or has an interest in the sale of articles weighed at public scales, either directly or indirectly, by himself or others, or who buys them for the purpose of selling over, or for the uses and purposes of any manufactory or other establishment, except his private residence, shall be authorized to erect weighing scales, as provided by the act to which this is amendatory, either by himself individually, or as a member of a company or copartnership; nor shall any company or copartnership so dealing be so authorized; and if any weighing scales be already erected, in violation of this provision, the same is hereby declared illegal; and if public weighing be continued, after the passage of this act, to be done thereat, said scales shall become forfeited to the county of St. Louis, which may sell and dispose of the same at public auction, to the highest bidder, for cash.

SEC. 2. No person or persons dealing in articles weighed at public scales in the city or county of St. Louis, as in the first section of this act recited, shall be connected in, interested with, nor be an officer of any weighing scale in said city or county; and no such person or persons who are pecuniarily interested in the rents and profits of such scales shall continue to be so interested, directly or indirectly,

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either by themselves or others, after ninety days after the passage of this act; and if such connection or pecuniary interest exists after such term, such scales are hereby declared illegal, and become forfeited to the City or County of St. Louis, as the case may be; which may take possession of and sell the same, at public auction, to the highest bidder for cash.

SEC. 3. No weighing scales in the County of St. Louis shall be hereafter erected without the permission of the county court of St. Louis county, or of the city council of the City of St. Louis, as the case may be, within their jurisdiction; and they shall provide against competition in scales, for the sake of fees merely, and shall only regard public convenience in the selection of localities for the erection of public scales; and, with this view, shall provide that no scale be erected within one half a mile of scales previously erected, except upon urgent and apparent need. And the tariff of fees or charges established by ordinance by the City of St. Louis, as the price of weighing, shall be a uniform standard of price for all weighing done at all public scales in said city and county; any deviation from which, by exacting more or less than the said legal charge, shall be punished by a penalty of fifty dollars on the weigher for every offence, and, also, by deprivation of office, upon conviction thereof. Such penalty to be recovered before any court of competent jurisdiction, and to be instituted in the name of the City or County of St. Louis, as the case may be, to the use of the complainant, who shall be entitled to one-half the fine, upon recovery thereof; the other half being payable to the said city or county.

SEC. 4. The fifth and sixth sections of the act to which this act is amendatory are hereby abolished.

This act to take effect from and after its passage.

Approved, November 19, 1855.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT AMENDATORY OF AN ACT ENTITLED 'AN ACT TO AUTHORIZE CERTAIN PERSONS IN ST. LOUIS COUNTY TO ERECT WEIGHING SCALES, APPROVED FEBRUARY 27, 1855,' APPROVED NOVEMBER 19, 1855."

Be it enacted by the General Assembly of the State of Missouri, as follows:

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SECTION 1. That the title of the act to which this amendatory shall read and be amended as follows: "An act amendatory of an act entitled 'An act to authorize certain individuals to establish weighing scales in St. Louis county,' approved February 28, 1855."

This act to take effect from and after its passage.

Approved, December 13, 1855.

AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO ASSERT HER TITLE TO CERTAIN ESCHEATED LANDS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The city counsellor of the City of St. Louis, in order to enable the City of St. Louis to avail itself of the provisions of the second section of an act entitled "An act about swamp lands in St. Louis county," be and he is hereby authorized, in the name of the State of Missouri, to proceed in the same manner as the attorney general is required to do by the provisions of an act entitled "An act concerning escheats," approved January 8, 1845, to ascertain whether any real estate embraced within the provisions of the first above recited act has escheated to the State of Missouri, and said proceedings shall in all things be conducted in the manner and form prescribed in said act concerning escheats.

SEC. 2. That the title of the State to all lands which shall appear to have escheated to the State of Missouri before March 3d, 1851, by any proceeding commenced and prosecuted under the provisions of this act, shall, from and after judgment, be rendered in favor of the State, pass to and vest in the City of St. Louis.

This act shall take effect from and after its passage.

Approved, December 13, 1855.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO LICENSE AND REGULATE AGENCIES OF FOREIGN INSURANCE COMPANIES," APPROVED DECEMBER 8, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. All agencies of foreign insurance companies doing fire, river, or marine insurance within this State, shall, on or before the first day of February, of each and every year, deposit with the assessor of the county, and also of the city, in which the office or agency of such company is located, a statement, verified by the oath of the agent of the foreign company, specifying the gross amount (after deducting all return premiums) of premiums received for insurance by such company or agent, during the preceding year, up to the first of January, immediately preceding such deposit of such statement, or for such fractional part of the year that such company or agency may have been doing business in this State.

SEC. 2. If any agent of any foreign insurance company shall neglect or refuse to deposit with the assessor aforesaid, on or before the first day of February, in each and every year, the verified statement required by the preceding section, it shall be the duty of the assessors, respectively, to assess on said company, or agency, such a sum of gross premiums as, after diligent inquiry, he may ascertain to be the amount received.

SEC. 3. Such gross amouut of premiums, so received as aforesaid, shall be subject, in the county and city in which the office of such agency is located, to the levy and payment of such taxes, of every kind, as other property is subject to for State, county, and municipal purposes, which taxes shall be paid by such agent, to the respective collectors, within the time required by law for the payment of the general taxes: *Provided*, that the tax so assessed on the gross amount of premiums, shall be in lieu of all taxes formerly levied on the capital stock of any foreign insurance company, for State, county, and municipal purposes, and that no other taxes of any kind, than as in this act specified, shall be levied on such agencies for any purpose whatever.

SEC. 4. Upon the agent or agents of any foreign insurance company depositing with the assessors the verified statement required by this act, and complying with the provisions of section first of the act to which this act is amendatory, the clerk of the county court of the county in which such agency is located, shall issue to him or them a license, in the name of the State, for carrying on the business of his or their agency, for the space of one year; which license shall be renewed from year to year, by such clerk, if demanded; and for every such license, such clerk shall be paid a fee of fifty cents.

SEC. 5. There shall be levied and collected by such clerk, on such license so issued to any agent or agents, as aforesaid, the sum of one hundred dollars for State purposes, and two hundred dollars for county purposes; and such license shall be exempted from all other taxation whatever.

SEC. 6. The agent or agents of any foreign insurance company doing business in the county of St. Louis, shall publish, daily, for six successive days, on or before the first day of February, of each and every year, the statement required in the first section of the act to which this is amendatory, in one English and one German newspaper published in said county: *Provided*, that whenever the parent office of such agency shall publish an annual statement of its affairs, the time mentioned in the first part of this section for the publication of the statement shall be so changed as to allow said publication to be made within one month of the date of such annual statement by the parent company.

SEC. 7. The agent or agents of any foreign insurance company doing business in the City of St. Louis, shall, in addition to the tax on gross premiums, above provided for, pay to the collector of the ward in said city in which the office of said agent is located, on or before the first day of February, of each and every year, the sum of one hundred dollars for the use of the said city, which sum shall be considered in full for, and in room of, all taxes and licenses which said city, by its charter, may or may not possess the power to impose on such agencies; and such collector shall, upon such payment being made, issue to such agent, or agents, a license, in the name of the City of St. Louis, for the carrying on the business of such agency for one year; which license shall be renewed from year to year, if demanded, and shall not be subject to any taxation of any kind whatever.

SEC. 8. Any agent or agents of any such insurance company who shall neglect or refuse to comply with the require-

ments of the last preceding section, shall forfeit and pay the sum of two hundred dollars, which may be sued for and recovered in the name of the City of St. Louis, to the use of the same, by suit instituted by the city attorney, in any court having competent jurisdiction.

SEC. 9. Any person or persons who shall, as agents of any insurance company, or an agency doing business in this State, in anywise neglect or refuse to comply with any of the foregoing provisions of this act, or who shall willfully make a false or fraudelent statement of the business or condition of his or their company, shall forfeit and pay the sum of five hundred dollars for each offense, and shall not do, directly or indirectly, any kind of insurance business until the requisitions of this act are faithfully complied with; and it shall be the duty of the collector of the county in which the office of such agency is located to prosecute for the recovery of any forfeitures incurred by this act; and any and all fines and forfeitures thus incurred may be recovered in the name of the State, to the use of the State and county, in equal proportions, by plaint bill or information, in any court of competent jurisdiction.

SEC. 10. Whenever any judgment shall be obtained in any of the courts of this State against any foreign insurance company having an office, or doing business, in this State, and said judgment shall remain unsatisfied for the period of fifteen days after execution shall have been lawfully issued thereon, the license issued to said insurance company shall immediately become null and void, and such insurance company shall be prohibited from transacting any business in this State until such judgment shall be fully satisfied.

SEC. 11. So much of an act entitled "An act to license and regulate agencies of foreign insurance companies," approved December 8, 1855, and all other acts or parts of acts contrary to, or inconsistent with, the provisions of this, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved, February 27, 1857.

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AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. LOUIS, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME,' APPROVED FEBRUARY 23, 1853."

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Where property has been condemned for a street or public way, or a jury has in proceedings for such condemnation given a verdict as provided for in the law to which this act is amendatory, and no appropriation has been made by the council of the City of St. Louis to pay for the property condemned as in the act provided to which this is amendatory, and where the City of St. Louis has instituted proceedings a second time under said act, and another jury has given a verdict as above named, and the city council has a second time failed to make an appropriation to pay the sum or sums awarded to be paid by the city as in the said act provided, there shall be no authority in the City of St. Louis, its mayor, or council, to proceed further or again in the condemnation of such property for a street or public way.

This act to take effect from and after its passage.

Approved, February 27, 1857.

AN ACT

CONFIRMING CERTAIN POWER TO THE CITIZENS OF ST. LOUIS COUNTY.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the corporate authorities of the different cities in the county of St. Louis shall have the power, whenever a majority of the legal voters of the respective cities in said county authorize them so to do, to grant permission for the opening of any establishment or establishments within the corporate limits of said cities, for the sale of refreshments of any kind (distilled liquors excepted), on any day in the week.

SEC. 2. Any person who shall on a Sunday sell or offer for sale, within the corporate limits of said cities, any distilled liquors, or any composition of which distilled liquors form a part, shall be punished by fine of not less than ten nor more than fifty dollars.

SEC. 3. The provisions of the first section of this act shall not be construed as authorizing the sale of ardent spirits on any day mentioned, except as now by law allowed.

SEC. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

This act to take effect from its passage.

Approved, March 4, 1857.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT CONCERNING BILLS OF MORTALITY IN THE CITY OF ST. LOUIS AND SUBURBS," APPROVED FEBRUARY 25, 1843.

Be it ordained by the General Assembly of the State of Missouri, as follows:

SECTION 1. The words "Clerk of the board of health of the City of St. Louis," are hereby substituted, and used for, and instead of "Register of the City of St. Louis," or any words indicating said officer, whenever the same may occur in said act.

This act to take effect from its passage.

Approved, November 18, 1857.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REDUCTION OF THE CITY DEBT OF THE CITY OF ST. LOUIS," APPROVED MARCH 5, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the third section of the act to which this is amendatory, is hereby modified and altered as follows: The following words are stricken out of the said third section,

to-wit: "and interest at the rate of four per cent. per annum shall be required and accounted for, for all deposits made in any bank or banking establishment by said commissioner."

SEC. 2. The said third section shall stand in full force, as it will read with the words stricken out mentioned in the first section of this act.

SEC. 3. Whenever the fund commissioner shall be able to obtain an agreement for the payment of interest on the sinking fund from the depository agreed upon by the mayor of the City of St. Louis and the fund commissioner, it shall be his duty so to do at a rate settled by agreement between such depository and said mayor and fund commissioner on the part of the city, which interest shall be accounted for as a part of said sinking fund.

This act shall take effect and be in force from and after its passage.

Approved, November 18, 1857.

AN ACT

TO PROVIDE FOR LEVYING, ASSESSING, AND COLLECTING THE REVENUE.

Be it enacted by the General Assembly of the State of Missouri, as follows:

ARTICLE V.

Of the sale of Lands for Taxes.

SECTION 43. All tax deeds for lots or lands sold under ordinances of the City of St. Louis, for the non-payment of taxes due said city, shall be received in like manner, and shall have the same force and effect, when recorded, as State tax deeds in this article provided for.

This act to take effect and be in force from and after its passage.

Approved, November 23, 1857.

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AN ACT

IN RELATION TO GAS LIGHT COMPANIES INCORPORATED IN THE CITY OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. No gas light company chartered in this State shall be allowed to demand from its customers advance payment for more than the estimated quantity of gas to be used by the party for the period of one month and a half.

SEC. 2. It shall be the duty of the mayor or city council of any town or city within this State, in which a gas company may be chartered, to appoint a gas inspector for said city. It shall be the duty of said inspector, in every case of complaint made by any person using said gas, to examine into the cause of complaint; and if any defect is found in the meter, he shall cause said defect to be remedied at the expense of the gas company; and he shall also, in case of defect found in the meter, estimate the amount of the gas actually used by the consumer for the month, and report the same to the company, who shall charge the consumer for said amount and no more; and the city council, by ordinance, may impose such additional duties upon the inspector in regard to gas inspection as they may deem necessary.

SEC. 3. It shall also be the duty of said inspector, in case of complaint made that the gas company is furnishing gas of an inferior quality, to examine into the cause of complaint; and if it be found that the gas is of inferior quality, he shall report the fact to the mayor, who shall immediately notify the officers of the gas company, requiring them to furnish good gas; and the company shall make a reasonable and proper deduction from the price of the gas sold during the time of the existence of such inferiority, such deduction to be made by order of the mayor, upon the report of the inspector.

SEC. 4. The said inspector shall receive for office rent and salary, to be fixed by the city council, a sum annually not exceeding two thousand dollars, to be paid by the company.

SEC. 5. No gas company shall be ever allowed to make out average bills, but all bills shall be based upon the actual amount of gas consumed.

SEC. 6. If any gas company in this State shall refuse to supply gas to any occupant of a building because a previous tenant of the building may not have paid his gas bill, it shall forfeit and pay the sum of ten dollars for every day it shall so refuse, to be recovered in any court having jurisdiction, in the name of the injured party.

SEC. 7. All compulsory agreements or contracts made by any gas company with individuals, requiring a deposit of money greater than is sufficient to pay for the average quantity of gas consumed for one month and a half, is [are] hereby declared void.

SEC. 8. It shall be the duty of the city council of any city in which there is any chartered gas company, to provide by ordinance for carrying into effect this act.

SEC. 9. This act shall take effect in thirty days from its passage, and apply only to the City of St. Louis.

Approved, March 14, 1859.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS TO INCORPORATE THE CITY OF ST. LOUIS.

WHEREAS, doubts have been suggested as to the capacity of the City of St. Louis to take and hold property beyond the city limits, given for charitable purposes; and also as to the capacity of the city to execute charity trusts; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The City of St. Louis is hereby declared to be capable of taking and holding property, real and personal, both within and without the city limits, given or to be given to charitable purposes, and of executing all such charity trusts in like manner as natural persons are.

This act shall take effect from its passage.

Approved, March 12, 1859.

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AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO PURCHASE THE GAS WORKS OF THE ST. LOUIS GAS LIGHT COMPAYN.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. For the purpose of providing the means to enable the City of St. Louis to purchase and pay for the gas works of and belonging to the St. Louis Gas Light Company, pursuant to the provisions of the twenty-seventh section of the amended charter of the St. Louis Gas Light Company, approved February 11th, 1839, the mayor of the City of St. Louis is hereby authorized to issue the bonds of said City of St. Louis in sums of one thousand dollars each, payble at such time or times, not less than five nor more than twenty years from the date thereof, as the mayor and fund commissioner of said city shall deem best, to an amount sufficient, and no more than sufficient, to pay the purchase money of said gas works, which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall have attached to them semi-annual coupons for the payment of said interest. Said bonds shall be entitled and designated on their face, "Special Gas Works Bonds of the City of St. Louis;" shall be signed by the mayor and countersigned by the comptroller and fund commissioner of the City of St. Louis, and shall have the seal of said city affixed thereon. They shall be obligatory on said City of St. Louis, and be and operate a special lien on all the works and property of said St. Louis gas works, and the entire works, property, rights and franchises, of every nature whatever, of said St. Louis Gas Light Company, when purchased; and all additions thereto or extensions thereof thereafter made by said city shall be and the same are irrevocably pledged and held bound and liable for the payment of said bonds.

SEC. 2. If said city shall not purchase said gas works at the time specified in the foregoing section, this law shall remain in force so as to enable said city to purchase said gas works at any other time when by said amended charter said purchase is authorized to be made; and upon said purchase being made at any time, all the rights, privileges, and franchises of said St. Louis Gas Light Company, together with the whole property of said company of every nature, real, personal, and mixed, shall be the property of, belong to, and be vested at once by said purchase in the said City of St.

Louis, and said St. Louis Gas Light Company be at the same time wholly divested thereof.

SEC. 3. Said bonds shall be sold by said mayor, or by some person duly authorized by him to sell the same, and the proceeds thereof shall at once be paid over into the hands of the fund commissioner of the City of St. Louis, who shall apply the same without delay to the payment of the purchase money aforesaid, and to no other purpose whatever.

SEC. 4. The entire revenue and receipts arising from said gas works, after paying the current expenses of the management of said works, shall be paid over into the city treasury, and the treasurer of said city shall keep a separate account of said moneys, which shall be held secure to the payment of the interest on said bonds, the pendent extension of said works, as the necessities of said city require, and to the final payment of said bonds; that is to say, so much of said revenue as may be necessary shall be appropriated to the payment of the said interest, secured by such extensions and improvements of said works as may be ordered by the board of commissioners herein named; and whatever remains of said revenue shall be from time to time, at least half yearly, invested in said special gas works bonds, or the bonds of the City of St. Louis, or the bonds of the State of Missouri, the interest on which last named bonds shall be again in like manner invested from time to time, and the whole be kept secured and appropriated to the final redemption after payment of said special gas works bonds of the City of St. Louis.

SEC. 5. There shall be appointed by the mayor of said city, by and with the advice and consent of the board of aldermen, two persons, who, in conjunction with the mayor, shall constitute a board of commissioners for the management, control, and operation of said works; which board shall operate, manage, control, and extend said gas works, and the revenue and income arising therefrom, under and according to the provisions of this law, and such rules and regulations as the mayor and common council of the City of St. Louis shall from time to time by ordinance establish and prescribe, not inconsistent with this law. Said board of commissioners may appoint a superintendent of said gas works, and employ such other officers and agents as the management and operation of said works require, which superintendent and subordinate officers shall receive such compensation for their services as said board may fix and allow.

SEC. 6. Said commissioners shall be appointed and hold their offices for two years, and until their successors are ap-

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pointed and qualified; shall give such bond and receive such compensation, not exceeding one thousand dollars, as shall be allowed by ordinance: *Provided, however*, that in the first appointment of commissioners, one shall be appointed for only one year, so that both of said commissioners shall not go out of office at the same time.

SEC. 7. The City of St. Louis shall have power to lease said work from time to time, subject to such restrictions and conditions as the common council of said city shall by ordinance impose.

This act shall be in force from its passage.

Approved, March 12, 1859.

AN ACT

AMENDATORY OF AND SUPPLEMENTARY TO THE SEVERAL ACTS INCORPORATING THE CITY OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the several acts incorporating the City of St. Louis, and all acts amendatory of and supplementary to the same, be and are hereby amended as follows:

SEC. 2. All persons elected by the people of the city, or appointed by the mayor, under existing acts incorporating the City of St. Louis, shall hold their offices until their successors shall be elected or appointed under this act.

SEC. 3. The city council shall consist of one board, called the board of common council, who shall possess all the powers and exercise all the functions as the board of aldermen and city council as heretofore constituted. Said board shall consist of twenty members, two to be elected in each ward; and no person shall be eligible who shall not have resided three years in the State of Missouri, and be a resident of the ward from which he is elected, and be a citizen of the United States and of the State of Missouri, or who shall be delinquent in the payment of taxes, or other dues to the city.

SEC. 4. The members of the present board of aldermen, from each ward, who hold over under the present charter, shall be members of the common council, as now constituted in this amendment, and hold their offices for one year. On the first Monday in April, eighteen hundred and fifty-nine,

one alderman shall be elected from each ward, who shall hold their offices for two years; at the same time there shall be an election to fill any vacancies among the aldermen who hold over. On the first Monday in April, eighteen hundred and sixty, and every year thereafter, each ward in the city shall elect one alderman, who shall hold their offices for two years, so that one-half of the members of the common council shall be elected in each year.

SEC. 5. All ordinances, passed by the council shall, within five days after they became laws, be published in two newspapers, published in the City of St. Louis. The board shall cause a correct abstract of its proceedings to be made out and published in two of the newspapers of the city. This abstract shall present the substance of all the petitions, memorials and remonstrances, of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import; and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor and other city officers shall be published in full in the papers publishing the proceedings of the board; but the board shall so order as not to incur the expense of publishing the same document a second time.

SEC. 6. The mayor shall hold his office for two years, and until his successor is duly elected and qualified; and may, for misdemeanor in office, be removed from office by the board of common council, if three-fourths of all the members elected to said board shall vote for such removal.

SEC. 7. No bill passed by the board of common council and returned by the mayor, with his objections, shall become a law, unless, on reconsidering the same, it shall be passed by the vote of two-thirds of the members elected to said board.

SEC. 8. The mayor shall, subject to the approval of the board of common council, appoint every officer of the city, except the comptroller, city recorder, auditor, treasurer, register, harbor master, and city attorney, who shall be elected in the same manner as heretofore, whose term of office shall be the same as that of the mayor; and the mayor shall also have power to remove any such officer by him appointed; provided, that three-fourths of the members elect to such board shall vote for such removal.

SEC. 9. Nothing in the preceding section contained shall be construed to apply to the removal or suspension of any officer or private of the police department; but the mayor and common council shall have power to enact such ordinances, affecting the regulation of that department, and the re-

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moval and suspension of the several members thereof, without exception, as may be deemed just and right.

SEC. 10. Any officer or employee of the city, who shall appropriate to his own use, or to the use of any other person, any money belonging to the city, or the interest thereon accruing, when the same is deposited in a bank or other institution, or with any banker or other person, shall be deemed guilty of embezzlement, and be punished by imprisonment in the county jail for a term not less than one year, or in the penitentiary for a term not more than two years; and no bill shall be passed without being read on three separate days.

SEC. 11. The general and special taxes, levied by the city upon property, in conformity with the laws of the State and the ordinances of the city, shall constitute a lien upon the property upon which they are levied, until paid; and the city is hereby authorized and empowered to provide by ordinance for enforcing the payment of taxes, by proceeding against the property taxed, under the lien aforesaid, or by action of debt against the delinquent tax payer, in any court of competent jurisdiction, or by both of said procedures.

SEC. 12. The style of the ordinances of the city, from and after the first meeting of the board of common council, under the provisions of this law, shall be: Be it ordained by the common council of the City of St. Louis.

SEC. 13. The appropriations and contracts made and entered into by the board of common council, during any one fiscal year, for all objects of the public service, except special expenditures, payable out of special revenue or taxes, shall not exceed the income of the preceding fiscal year, after deducting from such income the proceeds of special revenue and taxes; but if the income of any one fiscal year, excepting therefrom the special revenue and taxes applicable to special objects of expenditure, shall be found to exceed the amount of appropriation herewith authorized, the board of common council shall [have power to] appropriate such excess of income to the payment of the public debt.

SEC. 14. The board of common council shall have power, by ordinance, to cause a general sewer system to be established, which shall be divided into three classes of sewers, namely: public, district and private sewers. Public sewers shall be established along the principal courses of drainage, at such times, and to such extent, and of such dimensions, and under such regulations, as may be provided by ordinance; and there may be extensions or branches of sewers already constructed, or entirely new throughout, as such case may require. The board of common council shall levy a tax

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on all property made taxable for State purposes, over the whole city, to pay the cost of constructing, re-constructing and repairing such works; which tax shall be called a "special public sewer tax," and shall be of such amount, as may be required for the sewers provided by ordinance to be built; and the fund arising from said tax shall be appropriated solely to the building, re-building and repairing of said sewers. District sewers shall be established within the limits of districts, to be prescribed by ordinance, connecting with the public sewers, or other district sewers, or with any natural course of drainage, as each case may require. Such district may be sub-divided, enlarged, or changed, by ordinance, at any time previous to the construction therein. The common council shall cause sewers to be constructed in each district, whenever a majority of the property holders resident within a district shall petition therefor, or whenever the council may deem such sewer necessary for sanitary or other purposes; such sewers shall be made of such dimensions as may be prescribed by ordinance, and may be changed, enlarged, or extended, and shall have all the necessary laterals, inlets, and other appurtenances, which may be required. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess it as a special tax against the lots of ground, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; and said officer shall make out a certified bill of such assessment against each lot of ground within the district, in the name of the owner thereof. Said certificate shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary process of law, in the name of the city, to his own use; and in cases of absent owners, he may sue by attachment, or by any other process known to law; and each certificate shall be a lien against the lot of ground described therein, and shall bear interest at the rate of ten per centum per annum, from thirty days after the date of issue; and if not paid within six months after date of issue, then it shall bear interest at the rate of fifteen per centum per annum, until paid; and the city shall incur no liability for building district sewers, except whenever the city is the owner of a lot of ground within the district, and in that case she shall be liable for the cost of said sewer in the same manner as other property owners within the district. The repairs, cleaning, and other incidental expenses, of district sewers shall be paid out of a general appropriation for that purpose; and, at the end of each fiscal

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year, the auditor shall report to the common council the amounts paid on account of each district, separately, and the assessors shall be instructed to assess the amounts so charged to each sewer district, in proportion to the assessed value of the property, as a "special district sewer tax," and shall charge it as an item in the general tax bills of the next fiscal year following the expenditure. Whenever district sewers have been already constructed, the common council shall have power to assess a special tax against the property in such sewer district, in proportion to the value thereof, for the immediate liquidation of the bonded debt and interest of said sewer districts; and the accounts of said sewer districts shall thereafter be kept in accordance with the provisions of this section: *Provided*, that in no case shall a sewer run diagonally through private property when it is practicable to construct it parallel to one of its front lines; and a public sewer shall not be constructed through private property when it is practicable to construct it in the adjacent street.

SEC. 15. It shall not be lawful for the board of common council to grade, pave, macadamize, clean, water or light any wharf, street, lane, or avenue, not established and opened according to law and ordinance. It shall be lawful, nevertheless, for the council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same.

SEC. 16. Whenever the mayor and board of common council shall by ordinance establish, open, widen or alter any street, lane, avenue, alley, or wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the corporation shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained as follows, to-wit: The mayor shall petition the circuit court of St. Louis county in term time, or the judge thereof in vacation, setting forth in his petition the particular description of the property sought to be condemned for public use, and, so far as known, the name or names of the owners or claimants thereof, and stating for what purpose the said private property is sought to be condemned; whether for establishing, opening, widening or altering a street, lane, avenue, alley, wharf, or public square, and praying the court or judge to cause damages to be assessed; on the presentation of which petition, it shall be the duty of the court in term time, or the judge in vacation, to cause the clerk to issue a precept to the sheriff, requiring him to summon twelve disinterested freeholders of the city,

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who shall attend at the court-house, at a time to be specified in the precept, not less than five, nor more than twenty days from the date thereof, and who shall be sworn diligently to inquire, and a true assessment to make, of the damages to be suffered by the owners of the property in question, and a true verdict to render according to the law and the testimony. It shall be the duty of the mayor, at least three days before said petition is presented, to cause a notice in writing to be served on each of the owners, if known, of the property sought to be condemned, stating the time and place at which said petition will be presented. If the owners, or any part of them, are not known to the mayor, he shall cause such notice to be published in at least two daily newspapers printed in the City of St. Louis, which notice shall be published at least six days before said petition is presented. In vacation, it shall be the duty of the judge to attend at the time designated for such inquest, together with the clerk of said court, and the judge shall preside at the same and shall cause a record to be made of the said proceedings. Either party may except to any ruling of the judge or court, as in ordinary trials, and may in like manner appeal from his decisions to the supreme court. Continuances to a day not more than twenty days distant, or new trials, may be granted, for good cause, as in other actions; and the proceedings, as near as may be, shall conform to the proceedings in ordinary suits. Judgment shall be entered against the city in favor of the several owners respectively for the damages assessed by the jury, upon which judgment execution shall issue, as in other cases, at the end of ninety days from the date of the judgment. The officers of the court shall be entitled to the same fees as for like services in other cases.

SEC. 17. In all cases of condemnation of property for public use, the mayor may allege in his petition that the property sought to be condemned of right belongs to the city and not to the claimant; and if such allegation is made, then the court or judge shall first proceed to try the question of title between the city and the claimant; and if the title to all or any part of the land is decided to be in said claimant or claimants, then the jury shall assess the damages sustained by said claimant or claimants, as in other cases, to the extent to which they shall appear to be entitled by the finding upon the first issue.

SEC. 18. When the owners of the major part of the front of all the property on the street, lane, avenue, or alley, proposed to be opened, widened, or altered, shall petition therefor, the city council may provide by ordinance for the open-

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ing, widening, or altering, of the same; but they may prescribe such conditions to be complied with by the petitioners as the council shall consider just and reasonable, and, if assented to by the petitioners, the mayor shall proceed as in other cases.

SEC. 19. The mayor and city council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of grading or paving the side-walks on such street, lane, or avenue: *Provided*, the said special tax shall not exceed the cost of such grading or paving, according to the respective fronts as aforesaid: *And provided further*, that no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved or macadamized in the centre thereof.

SEC. 20. In addition to the powers given to the mayor and city council of St. Louis by the several acts incorporating said city, and the several acts amendatory of and supplementary to the same, the mayor and board of common council shall have power to provide for and regulate the inspection of beef, pork, meal and flour in barrels, hogsheads or other vessels; also, to provide for and regulate the inspection and guaging of oils, molasses, syrup, whisky, alcohol, and other spirituous liquors, as well as vinegar and wine in kegs, barrels, half-barrels, tierces, hogsheads, and all other vessels: *Provided*, that nothing in this act contained shall be so construed as to authorize the inspection of any article enumerated in this act which is to be shipped beyond the limits of this State, except at the request of the owner or owners of such article.

SEC. 21. The city shall have power to make all needful laws and regulations to secure the general health of the inhabitants of said city, and to prevent, remove and abate all nuisances; also to constitute a board of health, to consist of five members, who shall be elected by the common council, and hold their offices respectively for the term of one year; said members to be elected from the members of the common council. Said board shall perform such duties and receive such compensation as may be prescribed by ordinance: *Provided, however*, the health officer shall be *ex-officio* a member of said board, but shall receive no additional compensation for his services as such member.

SEC. 22. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair,

streets, avenues, lanes and alleys, wharfs and public grounds and squares; but the mayor and city council shall not establish nor open a street, lane, avenue, or alley, through the grounds lying and being situated between Ninth street and Eleventh street and Washington avenue and Green street, without the written consent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon.

SEC. 23. In the event of an alteration of any established grade of street or alley, the city shall be liable for all damages resulting from such change of grade, the damage to be assessed by a jury impannelled for that purpose by any court of proper jurisdiction.

SEC. 24. The city shall have power to regulate and prescribe the manner, and order the building, of partition and parapet walls, and of partition fences.

SEC. 25. A concurrent vote of two-thirds of all the members elect of the common council shall be necessary to pass a tax bill, bills appropriating money for any purpose, and bills in anywise increasing or diminishing the city revenue.

SEC. 26. Upon the passage of all bills appropriating money, or bills imposing taxes, lessening or abolishing licences, the yeas and nays shall be entered upon the journals.

SEC. 27. No officer of the city shall be interested in any contract under the city, directly or indirectly, in any manner whatever, and any appointed officer becoming so interested shall be dismissed from office immediately by the mayor; and on the mayor being satisfied that any elective officer is so interested, he shall immediately suspend said officer and report the facts to the board of common council; whereupon the board shall, as soon as practicable, meet to hear and determine same, and if, by a two-third vote, he be found so interested, he shall be immediately dismissed from such office. No officer shall hold two appointments under the city government.

SEC. 28. All acts and parts of acts inconsistent with and repugnant to this act are hereby repealed. This act to take effect and be in force from and after its passage.

Approved, March 14, 1859.

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AN ACT

AMENDATORY OF AN ACT, ENTITLED "AN ACT TO ESTABLISH A HOUSE OF REFUGE IN ST. LOUIS COUNTY," APPROVED FEBRUARY 28, 1855.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. That the sixth section of the act whereof this is amendatory be and the same is hereby repealed.

SEC. 2. That the eighth section of the act whereof this act is amendatory be and the same is hereby amended to read as follows: "All males under sixteen and all females under fourteen years of age, in St. Louis county, charged with any crime or misdemeanor, or punishable by imprisonment, shall be entitled to and have a private examination and trial, to which only the parties to the case shall be admitted, unless the parent, guardian or person having its charge shall demand a public trial.

SEC. 3. The officer or officers before whom the trial shall be held, shall ascertain from the witnesses, and shall state in the commitment, the religious persuasion of the child, or, if too young, its parents; and no child committed by compulsory process to the house of refuge, shall be apprenticed by the board of managers to a person of a different religious persuasion from that stated in the commitment.

SEC. 4. That section fourteen of the act of which this is amendatory shall be and hereby is amended by striking out therefrom, where they occur, the words "as provided for in section sixth of this act."

SEC. 5. That every commitment, in pursuance of the fourteenth section of this [the] act of which this act is amendatory, shall be, for the first commitment, for a term not exceeding one year, and for the second not exceeding two years, adding a limit of a year for every subsequent commitment; and every commitment in pursuance of section three of the act of which this is amendatory, shall be for a period of not more than five years; and the provision in the section of which this is amendatory, that it shall be until "reaching the age of twenty-one years," is hereby repealed.

SEC. 6. In all cases an appeal may be taken at any time within ten days after the commitment of the child, by its parent, guardian, or person having its charge; and such appeal may be taken at any time within six months after the

date of such commitment, if personal service of the proceeding whereon said commitment is founded have not been, by notice of the time and place of trial, given to the parent, guardian or person having charge of the child.

SEC. 7. Such appeal shall be perfected by filing, in the clerk's office of the St. Louis criminal court, an affidavit of the child, or of the person entitled to notice, under the preceding section, within the time prescribed; and if the affidavit be not filed within ten days after the commitment, it must state that it was made within twenty days after the knowledge of such commitment came to the affiant, or good cause shown why it was not made within twenty days; every affidavit shall state that the appeal is not taken for vexation or delay, but because he is aggrieved by the judgment; and on such affidavit being filed, the St. Louis criminal court shall hear and determine the cause, as all other appeals from justices of the peace.

SEC. 8. The board of managers shall have no power to apprentice any child committed to the institution, except where the child has been voluntarily surrendered by its parents, and its consent to such apprenticeship given, or where the parent, guardian, or person having charge of such child, has no legal capacity to give consent or where he or she have willfully abandoned his or her family for six months, without making suitable provision for them, or become an habitual drunkard, or a common prostitute, or keeper of a bawdy-house, or house of resort for prostitutes, or house of assignation; or the child, with the consent or knowledge of its parent, guardian, or person having its charge, remain in any such house.

SEC. 9. Facts of such incapacity, drunkenness, or other cause in preceding section mentioned, must be decided by the verdict of a jury of twelve persons, and may be tried before any (of the) person or persons authorized by section fourteen of the act of which this amendatory to commit a child to the house of refuge; and a certified copy of the record of proceedings must be filed with the commitment of the child, and an abstract thereof endorsed in the article of indenture, stating the cause, and also the person or persons before whom tried.

SEC. 10. Wherever occur the words "or person having its charge," they shall be interpreted to mean where there is no parent or guardian, or where the parent or guardian have [has] surrendered to such person the control and charge of the child.

SEC. 11. No apprenticeship of any child authorized by this

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act shall bar any right of appeal granted herein; but if such appeal be sustained, the indentures shall be null and void.

SEC. 12. Any child committed to the house of refuge, may be discharged by the mayor of the City of St. Louis, and by such other persons or officers as may be authorized by the by-laws of the institution.

SEC. 13. Nothing in this act shall be so construed as to authorize the binding out of any juvenile delinquent to a non-resident, or the employment of such delinquent without the State of Missouri.

This act to take effect from and after its passage.

Approved, March 14, 1859.

AN ACT

TO ENABLE THE CITY OF ST. LOUIS TO APPROPRIATE MONEY TO AID IN PRESERVING THE NAVIGATION OF THE MISSISSIPPI RIVER.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The common council of the City of St. Louis may appropriate and pay an amount of money, not exceeding ten thousand dollars, to assist in defraying the expenses of any suit or suits having in view the prevention or removal of any artificial obstructions to the navigation of the Mississippi river, and may charge the same to the contingent fund or the harbor fund.

This act shall take effect immediately upon its passage.

Approved, January 4, 1860.

AN ACT

CONCERNING STREET RAILROADS IN THE CITY OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The St. Louis railroad company, the Missouri railroad company, the People's railway company, and the Citizens' railway company, as heretofore organized under the

"Act to authorize the formation of railroad associations, and to regulate the same," approved December 13th, 1855, are hereby ratified and confirmed in their respective rights under said law, and the roads now built or commenced, and the guage of track established by said companies is sanctioned, and said guage of four feet ten inches is hereby recognized as the legal guage of all other street railroads that may be built in the city and county of St. Louis; said companies shall conform to and be governed by said law concerning railroad associations, except as follows:

First, Said companies shall not be required to carry freight.

Second, The report made to the city comptroller shall be in lieu of the annual report required to be made to the Secretary of State by the laws under which said companies organized.

SEC. 2. The rights confirmed to said companies shall not extend to or authorize the building by them of any road or roads on Clark avenue, Chesnut street, Pine street, Locust street, or Washington avenue, which streets are hereby reserved from such use, and all railroad tracks are forever prohibited on the streets named in this section; and in lieu of the track on Pine street, the Missouri railroad company may run the cars of their road on Eleventh and Benton streets, over the Olive street road, and the Citizens' railway company may run the cars of their roads, heretofore authorized by the council, in connection with Washington avenue, over their Morgan street road; and said companies may each construct two additional switches, and a side track not exceeding one hundred and seventy feet in length, to enable the cars to so run on Olive and Morgan streets—the switches on Morgan street may be east of the double track contemplated to be built.

SEC. 3. No street railroad shall hereafter be constructed in the City of St. Louis nearer to a parallel road than the third parallel street from any road now constructed, or which may hereafter be constructed, except the roads hereinbefore mentioned; and in consideration of the privileges herein granted, the City of St. Louis is hereby expressly empowered to impose and levy such tax and license upon said roads now constructed, or that may hereafter be constructed, as the common council of said city may determine to be just and proper, and the said city may make such municipal regulations concerning said street railroad as the public interest and convenience may require, except to reduce the rate of fare charged by said companies as now fixed by ordinance of the City of St. Louis.

SEC. 4. Any company now using a single track road, with turnouts upon any street or part of street, may change the same to a double track at any time, provided they shall first obtain the consent, in writing, of the owners of a majority in interest of the property fronting on the street or part of street desired to be so changed. But this provision shall not apply to that part of Olive street between Fourth and Twelfth streets, unless the majority in interest of that part of the street give their written consent that a double track may be constructed on said part of Olive street.

SEC. 5. The St. Louis railroad company may extend their road north from Salisbury street along Broadway and Bellefontaine road to the city limits, and may further extend the same to the Bellefontaine cemetery and the Calvary cemetery, and south from Gate street along the Carondelet road to the city limits, and may further extend said road through the St. Louis commons to or through the City of Carondelet, provided that before such extension is made through any road or avenue outside the cities, the consent of the board of county commissioners shall be obtained, and the consent of the city council of Carondelet shall be obtained before running through any street of that city.

SEC. 6. The St. Louis railroad company may build a branch road to the fair grounds along Bremen avenue and other connecting streets, or by such other route as they may select by the consent of the common council, after first obtaining the consent of a majority in interest of the property holders on the route selected; and the Missouri railroad company may build a branch road from their terminus on Benton street, at Eighteenth street, to the fair grounds, by such route as they may select, provided they first obtain the written consent of the majority in interest of the property holders on the route selected; and the People's railway company may extend their road from St. Ange avenue along Chouteau avenue to the point where the Pacific railroad crosses said Chouteau avenue, *provided* the same is constructed within two years after the passage of this act; and the Missouri railroad company may extend their road from the junction of Olive street and Grand avenue to the king's highway, with the consent of the property owners where the road runs.

SEC. 7. The privileges heretofore granted by the City of St. Louis to Stephen D. Barlow, James B. Eads, F. L. Ridgely, and their associates, under the name of the Compton Hill railroad company, are hereby confirmed, provided they shall organize and commence their road within six months after Lafayette avenue is graded, and complete the same

within twelve months thereafter to Grand avenue, and said company may extend their road west to Shaw's botanical garden.

SEC. 8. The Gravois railroad company, as authorized by the common council of St. Louis, may construct their road provided they will connect the same with the St. Louis railroad or the People's railway, at a point on or south of Park avenue, and *provided further*, that said road is commenced within six months, and completed within two years.

SEC. 9. Said railroad companies shall not be liable for injuries to persons occasioned by their getting on or off the cars at the front or forward end of the car.

SEC. 10. Nothing in this act shall be construed as authorizing the Citizens' railway company to construct a double track road on Franklin avenue without the written consent of majority in interest fronting that portion of the street where such double track may run.

This act shall take effect and be in force from and after its passage.

Approved January 16, 1860.

I, B. F. Massey, Secretary of State, do hereby certify that the above and foregoing act, entitled "An act concerning street railroads in the City of St. Louis," is a true and correct copy of the original roll of said law now on file in this office.

IN TESTIMONY WHEREOF, I have hereto set my hand and caused to be affixed the seal of office. Done at the office of Secretary of State, in the city of Jefferson, this nineteenth of January, A. D. 1860.

[SEAL.]

B. F. MASSEY,
Secretary of State.

AN ACT

SUPPLEMENTARY TO THE SEVERAL ACTS INCORPORATING THE CITY OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The cost of the paving, macadamizing, or otherwise improving, constructing, reconstructing, and repairing all streets, alleys, and other highways in the City of St.

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Louis, which, under existing laws, is chargeable to the property adjoining or in the vicinity of such work, shall be charged and collected as hereinafter provided.

SEC. 2. Whenever any of the above mentioned work shall have been fully completed under authority of ordinances, the city engineer or other officer having charge of the work shall compute the cost thereof, and assess it as a special tax against the adjoining property fronting upon the work done; and each lot of ground shall also be charged, in proportion to the frontage thereof, with the cost of constructing, reconstructing, and repairing the intersections of the next adjoining streets, alleys, or other public highways, in such manner as the said officer shall deem just and equitable. The said officer shall then make out a certified bill of such assessments against and lot of ground chargeable with the work done, in the name of the owner thereof; said certified bill shall be delivered to the contractor for the work, who shall proceed to conduct the same by ordinary process of law, in the name of the City of St. Louis, to his own use; and in case of absent owners, he may sue by attachment, by any other process known to the law; and each certified bill shall be a lien against the lot of ground described therein, and shall be at interest at the rate of ten per centum per annum, from thirty days after the date of its issue to the contractor, and if not paid within six months after its issue, it shall bear interest from the date of its issue until paid at the rate of fifteen per centum per annum; and every such certified bill shall, in any action brought to recover the amount thereof, be *prima facie* evidence of the validity of the charges against the property therein described, and of the liability of the person therein named as the owner of such property. The city shall not be liable in any manner whatever for or on account of any work done, and which is to be paid for in the manner provided in this section.

SEC. 3. The provisions of an act entitled "An act supplementary to the several acts to incorporate the City of St. Louis, and to continue in force the law commonly known as the new limit law, as it now exists," approved March 1, 1851, are hereby continued in force until the 12th day of April, eighteen hundred and sixty-six: *Provided, however*, that if all the streets in the new limits of any town shall have been improved, or if all the streets in the new limits of any ward shall hereafter be improved before the expiration of said period, then and in that case the provisions of said act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city.

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SEC. 4. Section fourteen of an act entitled "An act amendatory of, and supplementary to, the several acts incorporating the City of St. Louis," approved March 14th, 1859, is hereby amended as follows: Add after words "until paid," in the twenty-ninth line of section nineteen, the following: "And every such certified bill shall, in any action brought to recover the amount thereof, be *prima facie* evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of such property."

SEC. 5. Whenever the city council shall provide by ordinance for establishing, opening, widening, or altering any street, avenue, alley, wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the land commissioner shall cause to be ascertained by a jury of six disinterested freeholders of the city; the particulars of which proceedings shall be prescribed by ordinance.

SEC. 6. The land commissioner shall appoint a day for impanneling a jury and ascertaining the damages, at least six days' notice of which shall be given to the person whose property is proposed to be taken; and if any of the owners thereof are unknown, or can not be found by the marshal of the city, or are absent from the city, (and the return of the marshal shall be conclusive as to the facts therein stated,) publication thereof shall be made in at least two of the city daily newspapers for at least four weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, that, on the day therein named, the land commissioner will cause the property therein described to be condemned for public use as an alley, street, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice by publication as aforesaid shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury, and with the payment of any portion of the damages in consideration of benefits to be derived by them.

SEC. 7. It shall be the duty of the jury first to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of an alley, street, avenue, wharf, or public square, without reference to the proposed improvement there; then, for the payment of such sum, to assess against the city the amount of benefit to the public

generally, and the balance against the owner or owners of the property benefited by the opining of such alley, street, avenue, wharf, or square, according to the value of the property so assessed, and in the proportion that such property may be respectively benefiited by the proposed improvements; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvement, as ascertained by the jury, shall be a lien upon the property so charged, and shall be collected as provided by ordinance.

SEC. 8. The land commissioner shall have power for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside and cause a new inquest to be made.

SEC. 9. If the verdict of the jury be not set aside by the land commissioner, it shall be his duty within one month to report the same to the council, and if confirmed by the council, an appropriation shall be made to pay such sums as shall be assessed against the city, and it shall then be lawful for the city to take possession of the grounds so condemned for public use; but if not confirmed by the council within two months after being reported to them by the land commissioner, all the proceedings shall be void. If the title to any property proposed to be condemned be in controversy, nothing shall be paid therefor until the right to the money, ascertained by the verdict of the jury, is determined by a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city, unless the city be one of the claimants; and during such controversy the money shall remain in the city treasury.

SEC. 10. When the owners of the major part of the front of all the property on the street, avenue, alley, or wharf, proposed to be opened, widened, altered, or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners be deemed expedient, shall provide by ordinance for the opening, widening, or establishing the same; and the proceedings for the condemnation of property, as proposed to be taken, shall in other respects be conducted as is prescribed by this article when it is sought to condemn property for public use without the petition of the property holders, but no damages shall be awarded to any owner so petitioning.

SEC. 11. Whenever any one or more of the owners of property which it may be necessary to take for public use in the opening of any street, avenue, alley, or wharf, by virtue

of any ordinance of the City of St. Louis opening such street, avenue, alley, or wharf, shall propose to relinquish such property without claim of damages, on condition of exemption from payment of benefits for further opening of such improvements, or upon other conditions, the land commissioner shall be authorized to compromise or agree with such persons, and to remit, abate, and exempt them from the payment of damages in consideration of benefits, wholly or partly, as equity may seem to require, and proceed to condemn such other property as may not be relinquished for the purpose, and to assess the damages and benefits therefor to and upon other persons as may be damaged or benefited by such improvement, and report his proceedings to the council, any thing in this act contained to the contrary notwithstanding.

SEC. 12. Judgments against the city on account of the damages to private parties in case of opening streets shall not be considered as ordinary judgments, but such shall be held in abeyance, and the city shall not take possession of the ground condemned until such judgments shall be confirmed and appropriations made to pay the same out of the general revenue.

Approved, January 16, 1860.

AN ACT

TO AUTHORIZE THE CITY OF ST. LOUIS TO AID IN THE COMPLETION OF THE PACIFIC RAILROAD.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The City of St. Louis is hereby authorized to make an additional subscription to the capital stock of the Pacific Railroad to the amount of five hundred thousand dollars, or if the city council shall by ordinance so determine, to loan to the Pacific Railroad, upon such time and terms as the best interests of the city may demand, the sum of five hundred thousand dollars; the said subscription or loan to be upon the express condition that the same is to be applied solely to the completion of the Pacific railroad to the city of Kansas.

SEC. 2. If the City of St. Louis shall make either the subscription or loan authorized, then the City of St. Louis is fully authorized by ordinance to provide the means necessa-

ry for said subscription or loan, by causing a tax to be levied on all property within the limits of said city subject to taxation for city purposes: *Provided*, that the tax so levied shall not in any one year exceed the rate of one-fifth of one per cent.; nor shall any such levy be made until the present county tax to pay the subscription to the capital stock of the St. Louis and Iron Mountain and the North Missouri railroads shall have been finally levied; or said City of St. Louis may, by ordinance, to meet said subscription or loan, cause to be issued and delivered to the Pacific Railroad the bonds of the City of St. Louis, in amounts of one thousand dollars each, having not more than twenty years to run, and bearing interest at the rate of not exceeding eight per cent. per annum, and may by ordinance provide for the prompt payment of the same.

SEC. 3. The city council of the City of St. Louis shall by ordinance provide for the submission of the question whether such loan or subscription, above provided to be made, shall be made or not, to the qualified voters of the City of St. Louis, before the same shall be made; and if a majority of the voters of said city shall vote for said loan or subscription, the said subscription or loan shall be made; but if a majority of the voters of the City of St. Louis shall vote against said subscription or loan, then the City of St. Louis shall have no power to make such subscription or loan.

This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved, March 30, 1860.

AN ACT

CREATING A BOARD OF POLICE COMMISSIONERS, AND AUTHORIZING THE APPOINTMENT OF A POLICE FORCE FOR THE CITY OF ST. LOUIS.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The common council of the City of St. Louis may pass ordinances for preserving order, securing property or persons from violence, danger or destruction, protecting public and private property, and for promoting the great interests, and insuring the good government of the city; but no ordinance hereby passed, or that may hereafter be passed by the common council of St. Louis, shall in any manner conflict

or interfere with the powers or the exercise of the powers of the board of police commissioners of the City of St. Louis as hereinafter created, nor shall the said city, or any officer or agent of the corporation of said city, or the mayor thereof, in any manner impede, obstruct, hinder, or interfere with the said board of police, or any officer or agent or servant thereof or thereunder.

SEC. 2. So much of the city charter and ordinances as authorize the mayor and common council to appoint, pay, and arm the police of said city, and protect the said police in the discharge of their duty, be and the same are hereby repealed.

SEC. 3. There shall be, and is hereby established within and for the City of St. Louis a board of police, to be called "The Police Commissioners of the City of St. Louis," to consist of four commissioners, as is hereinafter provided, together with the mayor of said city for the time being, or whosoever may be lawfully acting in that capacity; the said commissioners shall be citizens of the State of Missouri, and shall have been residents of the City of St. Louis for the period of three years next preceding their appointment. They shall, except as hereinafter specified, hold their offices for four years, and until their respective successors shall have been appointed and qualified, and shall receive each a salary of one thousand dollars per annum, payable quarterly. Before entering on the duties of their said office, the said commissioners and the said mayor shall take and subscribe before the judge of the circuit court of St. Louis county, or the clerk thereof, the oath or affirmation prescribed by the constitution of the State of Missouri; and shall also take and subscribe before the same judge or clerk the further oath or affirmation, that in any and every appointment or removal to be by them made to or from the police force created, and to be organized by them under this act, they will in no case, and under no pretext, appoint or remove any policeman, or officer of police, or other person under them, for [or] on account of the political opinions of such policeman, officer or other person, or for any other cause or reason than for the fitness or unfitness of such person, in the best judgment of the said commissioners, for the place to which he shall be appointed, or from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of said circuit court. One of their own number shall from time to time be appointed by said commissioners treasurer of said board of police, and his appointment when made shall be certified to the clerk of the

circuit court of the county of St. Louis under the seal of said board. Said treasurer shall hold his office for such term as may be designated by the commissioners, who may remove him at pleasure, and shall be entitled to additional compensation at the rate of five hundred dollars per annum, for acting in that capacity. Before he enters on the duties of his office as treasurer, he shall give bond to the State of Missouri, with one or more securities, in the penalty of fifty thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hand as treasurer. The bond of the treasurer shall be approved by the judge of the circuit court of the county of St. Louis, and shall be delivered to and safely kept by the treasurer of St. Louis county. A majority of the board of police shall constitute a quorum, and the failure or refusal of the mayor, or acting mayor of the City of St. Louis to qualify or act hereunder, shall in nowise impair the right or duty of said commissioners to organize and proceed as herein provided. In case a vacancy shall occur in said board, the same shall be filled by the governor of the State of Missouri forthwith, after having been notified that such vacancy exists. Any one of said commissioners, who during his term of office shall accept any other place of public trust, or emolument, or who during the same period shall knowingly receive any nomination for an office, elective by the people, without publicly declining the same within twenty days succeeding said nomination, shall be deemed to have thereby vacated his office. For official misconduct, any of said commissioners may be removed by the governor of the State of Missouri, upon his being fully satisfied that the commissioner is guilty of the alleged official misconduct.

SEC. 4. The governor of the State of Missouri, by and with the advice and consent of the senate, shall, without unnecessary delay, appoint the four commissioners provided for in the last preceding section, and said commissioners shall hold their offices, two of them for two years, and two of them for four years, from the date of their appointments, and their successors shall have been appointed and qualified. The governor shall issue commissions to the persons so appointed, designating the time for which they are severally appointed; and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years.

SEC. 5. The duties of the board of police hereby created

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clusively of officers, shall, at the first organization, be not exceeding the number now employed by the corporate authorities of the City of St. Louis; with power, however, to reduce that number, or increase it not more than twenty-five, as experience may warrant: *Provided, however*, that for any extraordinary emergencies the board may raise such additional force as the exigency may in their judgment demand. No person shall be appointed or employed as policeman, or officer of police, who shall have been convicted of, or against whom any indictment may be pending for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is notoriously of bad character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The policemen shall be employed to serve for four years, and be subject to removal only for cause, after a hearing by the board, who are hereby invested with exclusive jurisdiction on [in] the premises. Any policeman whose time of service shall expire, and who during his appointment shall have faithfully performed his duty, shall, if otherwise qualified, be preferred by the board in making their new appointments.

SEC. 7. The officers of police shall be as follows: One chief of police, three captains, three lieutenants, not exceeding twelve sergeants, and four turnkeys. They shall be appointed by the board for such time as the board shall determine, and be subject to removal by the board for cause.

SEC. 8. The pay of the ordinary policemen shall be ten dollars a week, payable semi-monthly; and in case the board shall appoint detective policemen, which they may do to the number of five, the detectives shall receive a like sum, payable semi-monthly.

SEC. 9. The officers of the police shall be paid semi-monthly, and their pay shall be as follows: The chief shall receive two thousand dollars a year, each captain thirteen dollars a week, each lieutenant eleven dollars and fifty cents a week, each sergeant ten dollars and fifty cents a week, and each turnkey eight dollars and fifty cents a week.

SEC. 10. Whenever any vacancy shall take place in any grade of officers, except the chief, it shall be filled from the next lowest grade, if competent men can be found therein. The board of police are hereby authorized to make all such rules and regulations, not inconsistent with this act, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police, and

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for the relief and compensation of members of the police force injured in person or property in the discharge of their duty, and the families of the officers or men killed while in such discharge of duty: *Provided*, that the allowance shall not exceed, in any one instance, twelve months' pay. The said board shall also have power to require of any officer or policemen, bond with securities, when they may consider it demanded by the public interest. All lawful rules and regulations of the board shall be obeyed by the police force, on pain of dismissal, or such other lighter punishment, either by suspension, fine, reduction, or forfeiture of pay, or otherwise as the board may adjudge.

SEC. 11. No officer of police or policeman shall be allowed to receive any money, or gratuity, or compensation, for any service he may render, without the consent of the said board; and all such moneys, as any policeman or police officer may be so permitted to receive, shall be paid over to the board, and, together with the proceeds of all fines, forfeitures, and unreclaimed property, which may come to the possession of the board, or be recovered by them under the provisions of this act, or any other law or ordinance, shall form a fund, which the board may apply toward the allowance to policemen, and officers of police, and their families, as hereinbefore authorized, and for extra pay for such members of their force as gallantry and good conduct, on extraordinary occasions, may be adjudged to merit it.

SEC. 12. The said board shall be and they are hereby authorized to provide themselves with such office and office furniture, and such clerks and other subordinates, as they may need; and to have and to use a common seal. They shall divide the city into the needful number of police districts, and provide in each of them, if necesssary, a station-house, or houses, with all things and attendants required for the same, and all such other accommodations as may be required for the use of the police. The said board, for all the purposes of this act, shall have the use of the fire alarm telegraph of the City of St. Louis, for police purposes, and of all station-houses, watch-boxes, fire-arms, equipments, accoutrements, and other accommodations and things heretofore provided by the City of St. Louis, for the use and service of the police, as fully, and to same extent, as the same are now and may be used by or for the present police; and the mayor and common council, and all persons and municipal officers in charge thereof, are hereby ordered and required to allow such use accordingly. In case the said mayor and common council of said city, or its officers or agents, refuse

the City of St. Louis, organized or existing under the laws of this State, who, being called upon by said board as aforesaid, shall refuse or wilfully fail to call out the force under his command, or to obey the directions of said board, or to enforce, by all lawful means, the performance of the duties to said force assigned, shall be liable to a penalty of five hundred dollars, and any inferior officer or private of such force who shall refuse or wilfully fail to obey the summons or order of his proper superior, in such behalf issued, shall be liable to a penalty of one hundred and fifty dollars; such penalties to be recoverable as aforesaid.

SEC. 14. So soon as the board created by this act shall hold their first meeting, it shall be their duty to inform the city marshal, the chief of police, the captain of police, and other officers of the police of the City of St. Louis, that they require their attendance upon them and obedience to their orders, which attendance the officers so notified shall be bound respectively to give under a penalty of five hundred dollars each, to be recovered by action at law, instituted by said board in the name of the State, for failure to attend as required, and for each and every failure to obey the lawful order of said board. From and after the first meeting aforesaid, the whole of the then existing police force in the City of St. Louis, both officers and men, shall pass under the exclusive management and control of the said board, and be subject to no other control, and entitled to receive neither orders or pay (except arrearages then due) from any other authority, and shall so continue, subject, however, to removal or suspension at the discretion of said board, and with the power in said board to fill vacancies, until the said board shall public declare that the organization of the police force, created by this act, is complete. Upon such public declaration, and from the time thereof thenceforward, all ordinances of the City of St. Louis are hereby annulled and declared void so far as they conflict with this act, or assume or confer upon the mayor, or any other person or persons, the power to appoint, dismiss, or in any way, or to any extent, employ or control any police force organized, or to be organized, under such ordinance, or any of them; and from and after such public declaration, as aforesaid, the police force organized, or which may be organized, under such ordinance, or any of them, shall cease to exist, and all its functions and powers be at an end.

SEC. 15. It shall be the duty of the said board, with all convenient speed, after qualifying as aforesaid, and annually thenceforward, to estimate what sum of money will be ne-

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cessary for each current fiscal year to enable them to discharge the duties hereby imposed upon them, and they shall forthwith certify the same to the board of common council of the City of St. Louis, who are hereby required in the first appropriation ordinance of the fiscal year, to set apart and appropriate the amount so certified, payable out of the net annual revenue of said City of St. Louis, after having first deducted the amount necessary to pay the interest upon the indebtedness of said city, the amount necessary for the expenses of the city hospital and health department, the amount necessary for the expense of lighting the city with gas, and the sum of ten thousand dollars required by law, to be placed to the credit of the sinking fund of said city. The said board of police, upon and after having qualified as aforesaid, are hereby authorized to make requisition, from time to time, upon the mayor, auditor, comptroller, or other proper disbursing officer or officers of the corporation of the City of St. Louis, for such sums of money as they may deem necessary for executing their duties under this act, and the sums so required shall be paid by said proper disbursing officer or officers, out of any moneys in the city treasury not appropriated to the specific purpose above enumerated; provided, however, that the same shall not exceed, in any one year, the amount appropriated by the City of St. Louis for maintaining the police of that city during the year one thousand eight hundred and sixty; and provided also, that the amount so required, or drawn, shall not exceed in any one year the amount so as aforesaid certified for that year to the common council aforesaid; and in case the common council shall fail to make such appropriation, or the said disbursing officer or officers shall not forthwith pay over the amount of such requisition as made, it shall be the duty of said board, and they are hereby authorized and required to issue certificates of indebtedness in the name of the City of St. Louis, in such amounts as they may deem advisable, for the amount of such requisition respectively, bearing interest at ten per cent. per annum, payable not more than twelve months after date, and signed by a majority of the board; and to raise the money on said certificate, by pledging or disposing of the same; which certificate shall be receivable at par in payment of all city taxes, and be as binding upon said corporation, and be as recoverable against it as if the common council of St. Louis had themselves authorized the issuing of said certificates. The common council of the City of St. Louis shall have no power or authority to levy or collect any tax, or appropriate any money for the payment of any police force,

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other than that to be organized and employed under this act. No officer or servant of the mayor [or] the common council of said City of St. Louis, shall disburse any money for the payment of any police force other than that to be organized and employed under this act, and the power of said mayor and common council to appropriate and disburse money for the payment of the police force, to be organized or employed under this act, shall be exercised as in this section directed, and not otherwise. In case the amount as aforesaid to be estimated by the said board shall, from any unforeseen cause, prove insufficient for the necessary expenses of the current year, the said board are hereby authorized and empowered to issue certificates, and raise money therefrom, as hereinbefore provided, to meet the exigency; provided, however, that no such additional issue shall exceed the sum of ten thousand dollars in any one year, and that the amount thereof shall be added to the appropriation for the year next ensuing, and that the said certificates shall not be made payable at any earlier day than the first day of November next after the issuing of the same, and shall not be receivable in payment of city taxes earlier than those for the year in which they shall be so payable.

SEC. 16. Any officer or servant of the mayor or common council of the City of St. Louis, or other person whatsoever, who shall forcibly resist or obstruct the execution or enforcement of any of the provisions of this act, providing a permanent police for the City of St. Louis, or relating to the same, or who shall hinder or obstruct the organization of said board of police or the police force hereinbefore provided to be organized, or who shall maintain or control, or attempt to maintain and control the existing police force of said city, or any part thereof, or any other police force under the ordinances and acts herein and hereby repealed, except as herein provided, shall be liable to a penalty of one thousand dollars for each and every such offense, recoverable by the board by action of law, in the name of the State, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever, under the mayor or common council of St. Louis, or under this act; provided, however, that nothing in this section shall be construed to interfere with the punishment, under any existing or any future law of this State, of any criminal offense which shall be committed by the said parties in or about the resistance, obstruction, hinderance, conspiracy, combination or disbursement aforesaid.

SEC. 17. The commissioners of police shall cause all persons arrested by the police to be brought before the recorder

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of the City of St. Louis, or some justice of the peace within said county, to be dealt with according to law.

SEC. 18. The board shall cause a full journal of their proceedings to be kept, and shall also cause all their receipts on disbursements of moneys to be faithfully entered in books to be procured and kept for that purpose; and said journal and all said books, and all other documents in the possession of said board, shall always be open to the inspection of the general assembly of the State of Missouri, or any committee appointed by it for that purpose. It shall be the duty of the board to report to the common council of the City of St. Louis, at each annual session thereof, the number and expense of the police force employed by them under this act, and all such other matter as may be of public interest, in connection with the duties assigned them by this act.

SEC. 19. All acts, and parts of acts, and charter, provisions, and all ordinances of the City of St. Louis conflicting with this act, are hereby repealed.

This act shall take effect from and after its passage.

Approved March 27, 1861.

AN ACT

FOR THE RELIEF OF THE CITY OF ST. LOUIS.

WHEREAS the City of St. Louis is owing a large sum of money to contractors for city work, and also for other purposes, which, on account of the pecuniary pressure of the times, it is unable to pay at this moment; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. The charter of the said city is hereby amended so as to authorize the issue, in the manner and under the restrictions hereinafter contained, of an amount not exceeding two hundred thousand dollars of city treasury warrants to pay the current debts of the city to contractors and others who have accounts allowed against it; said warrants to be in such form as may be determined by the commissioners hereinafter named.

SEC. 2. Said warrants shall be in denominations of one, two, and three dollars, and shall be receivable for taxes and licenses payable to the said city.

SEC. 3. James H. Lucas, Louis C. Garnier and D. H.

Armstrong are hereby appointed commissioners to provide, and also to issue the said warrants, and which warrants shall be signed by one of them to be designated by themselves for that purpose, and the same shall only be issued by them to the treasurer for the payments of such amounts as shall be duly audited and certified by the proper officers of said city, and on the written affirmation of the mayor and comptroller thereof.

SEC. 4. The said commissioners shall keep a correct list of all *amounts* issued by them to the treasurer, and charge the same to him, and shall keep a register of all applications made to them by the said mayor and comptroller for the issue of the same; and it shall further be their duty to report at every regular session of the city council the amount so issued, and the applications upon which they were issued from the mayor and comptroller, as aforesaid.

SEC. 5. The said commissioners are hereby authorized to appoint a clerk, whose duty it shall be to keep a regular and perfect account of the issues provided as aforesaid, and to whom the said commissioners shall allow a reasonable compensation, to be paid by the city.

SEC. 6. At stated periods, to be determined by the commissioners, the said treasurer shall pay over to the commissioners all the city warrants so issued which may be in his possession, and take their receipt for the same; and the commissioners shall at once, in the presence of the mayor and comptroller, proceed to destroy the same, first having taken a complete account of such warrants.

SEC. 7. The banks, savings institutions, associations, and bankers, of this State, may, if they deem proper, receive and pay out all such city warrants, without being subject to the penalties of any law of this State in regard to the circulation of notes under five dollars.

SEC. 8. From and after the second Monday of October, 1861, the common council of the city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money unless the amount thereby appropriated be actually in the treasury of the city and not required to meet appropriations already existing. Any member of said common council voting for, [and] any mayor approving any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the treasury of said city in pursuance of any such ordinance.

SEC. 9. No sum of money appropriated by ordinance to any particular fund or object, shall, except in pursuance of

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change in the appropriation thereof by ordinance, be diverted from such fund or object, or used for any other purpose; and any officer of said city making or authorizing any such diversion, or use, without such change of appropriation by ordinance, shall be liable in his personal estate for any amount so diverted or used for any purpose, or object, other than that for which the same was especially appropriated.

SEC. 10. The comptroller of said city shall cause to be cancelled all special accounts *on the books* of the auditor of said city showing an unexpended balance to the credit of any special fund when he shall be satisfied that such apparent balance has been authorized, [and] used in the payment of indebtedness of said city.

SEC. 11. No officer of said city authorized to make contracts on behalf of the city for work, or materials, shall make any such contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or materials.

SEC. 12. The common council of said city shall not pass any ordinance for the improvement of streets in the new limits of said city, or for other improvements in said new limits, to be paid for out of the new limit fund, when the amount required for such improvement exceeds the amount actually in the treasury of said city to the credit of said fund.

SEC. 13. The twenty-fifth section of the "Act amendatory of and supplementary to the several Acts incorporating the City of St. Louis," approved March 14th, 1859, is hereby amended by striking out therefrom the words "two thirds," and inserting in lieu thereof "a majority."

SEC. 14. The said city shall not be liable to any action for the destruction of any property by a mob, in favor of any person who at the time of such destruction is delinquent in the payment of any taxes due the said city.

SEC. 15. The common council of the City of St. Louis shall have no power to pave, macadamize, curb, or gutter, any street or alley, at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, or unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: *Provided*, that the provisions of this section shall not apply to any street or alley where two or more blocks are owned by one person, or one estate; but the provisions of the law now in force shall apply in all such cases.

This act shall take effect from and after its passage.

Approved May 13, 1861.

MUNICIPAL CODE;

COMPILED FROM THE VARIOUS CHARTERS AND ACTS OF THE GENERAL ASSEMBLY RELATING TO THE

CITY OF ST. LOUIS.

BOUNDARIES.

Description of the boundaries of the City of St. Louis.

I. All that district of country situated in the county of St. Louis, embraced within the following limits, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, where the continuation of the south side of Keokuk street eastwardly would intersect said main channel; thence westwardly by the said line of the south side of Keokuk street to a point six hundred and sixty feet west of Grand avenue; thence northwardly and parallel to said Grand or Lindell avenue, at a distance of six hundred and sixty feet therefrom, until it intersects the Bellefontaine road; thence northeast to the line dividing townships forty-five and forty-six north, range seven east; thence eastwardly with said line and in the same direction to the middle of the main channel of the Mississippi river; thence southwardly with the meanderings of the main channel of said river to the place of beginning, is hereby incorporated into a city, by the name of the City of St. Louis. (*a*)

GENERAL CORPORATE POWERS.

General corporate powers of the city.

I. The inhabitants of the City of St. Louis, as the same extends and is laid out above, and their successors, forever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of the City of St. Louis,

(*a*) Sec. 1, act of December 5, 1855, p. 198.

Journal of proceedings what to contain and how published.

VIII. The board shall cause a correct abstract of its proceedings to be made out and published in two of the newspapers of the city. This abstract shall present the substance of all the petitions, memorials and remonstrances, of all motions and propositions, and of all bills, resolutions and orders, so as to exhibit their nature and import; and shall also present a brief and accurate statement of all proceedings in relation thereto. The communications of the mayor and other city officers shall be published in full in the papers publishing the proceedings of the board; but the board shall so order as not to incur the expense of publishing the same document a second time. (*h*)

Councilmen disqualified from holding office.

IX. No councilman shall, during the term for which he was elected, be appointed to any office under the city. (*i*)

Vacancies how filled.

X. All vacancies that shall occur in the board shall be filled by election, in such manner as shall be provided for by ordinance. (*i*)

Councilmen to make oath.

XI. Each councilman shall, before entering on the duties of his office, take an oath that he will support the constitution of the United States and of this State, and the provisions of this charter, and that he will faithfully demean himself in office. (*i*)

New election in case of a tie.

XII. Whenever there shall be a tie in the election of councilman, the judges of elections shall certify the same to the mayor, who shall immediately thereupon issue his proclamation, stating such facts and ordering a new election. (*i*)

Stated sessions of the council.

XIII. There shall be two stated sessions of the board of common council every year, and they shall be held on the second Mondays of May and October, at such places as shall be prescribed by ordinance. (*i*)

Yeas and nays to be entered on the journal, when.

XIV. Upon the passage of all bills appropriating money or bills imposing taxes, increasing, lessening, or abolishing licenses, and of bills borrowing money, and on any question at the desire of two members present, the yeas and nays shall be entered on the journals. (*i*)

(*h*) Sec. 5, act March 14, 1859, p. 214.
(*i*) Art. 2, secs. 14, 15, 16, 17, 18, 19 & 21, of act March 3, 1851, as amended by act of March 14, 1859.

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XV. A concurrent vote of a majority of all the members elect of the common council shall be necessary to pass a tax bill, bills appropriating money for any purpose, and bills in any wise increasing or diminishing the city revenue. *(i)*

A majority vote necessary to pass certain bills.

XVI. No bill shall be passed without being read on three separate days. *(j)*

Bills to be read on three separate days.

XVII. No money shall be expended, nor shall any improvement be ordered, involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite. *(k)*

No money to be expended except by specific ordinance.

XVIII. Every bill which shall have been passed by the council shall, before it becomes a law, be presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections, to the board, which objections shall be entered at large on the journal, and the bill be reconsidered. *(k)*

Bills to be approved by the mayor; he may reject bills.

XIX. If, after such reconsideration, two-thirds of all the members elected to the board shall agree to pass the same, it shall become a law. *(k)*

After reconsideration, two-thirds may pass a bill.

XX. In all such cases the votes of councilmen shall be taken by yeas and nays, and entered on the journals of the board. *(k)*

Yeas and nays to be entered on journal.

XXI. If any bill shall not be returned by the mayor in five days, Sundays excepted, after it shall have been presented to him for his approbation, the same shall become a law in the same manner as if he had approved and signed it. *(k)*

Bills may become law when not returned by the mayor, when.

XXII. The style of the ordinances of the city shall be, "Be it ordained by the common council of the City of St. Louis." *(k)*

Style of ordinances.

XXIII. All ordinances passed by the council shall, within five days after they become laws, be published in two newspapers published in the City of St. Louis. *(k)*

Ordinances to be published within five days.

XXIV. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in

Ordinances to be proven by corporate seal.

(*i*) Sec. 25, act Mar. 14, 1859, amended by sec. 13, act May 13, 1861, p. 343.
(*j*) Sec. 10, act March 14, 1859, p. 215.
(*k*) Sec. 4, 5, 6, 7, 8, 10, 11, 12, of act March 3, 1851, p. 156, as amended by act of March 14, 1859, p. 214.

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book form, and purporting to be so printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. (*k*)

LEGISLATIVE POWERS.

Powers of the mayor and common council.

I. The mayor and common council shall have power within the city, by ordinance: (*l*)

First—To levy and collect taxes, not exceeding one per centum, upon all property made taxable by law for State purposes; and the general and special taxes levied by the city upon property, in conformity with the laws of the State and the ordinances of the city, shall constitute a lien upon the property upon which they are levied until paid; and the city is hereby authorized and empowered to provide by ordinance for enforcing the payment of taxes by proceeding against the property taxed under the lien aforesaid or by action of debt against the delinquent tax-payers in any court of competent jurisdiction, or by both of said procedures. (*m*)

Second—To borrow money on the credit of the city.

Third—To appropriate money and provide for the payment of the debt and expenses of the city.

Fourth—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within ten miles of the city.

Fifth—To establish hospitals and make regulations for the government thereof.

Sixth—To make regulations to secure the general health of the inhabitants, and to prevent, remove, and abate all nuisances, at the expense of the owners or occupants, or the parties upon whose grounds they exist; also, to constitute a board of health, to consist of five

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(*l*) Art. 3, sec. 2, act March 3, 1851, p. 151.

(*m*) Art. 3, sec. 2, act March 3, 1851, p. 151, as amended by sec. 11 of act of March 14, 1859, p. 215.

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members, who shall be elected by the common council, and hold their offices respectively for the term of one year; said members to be elected from the members of the common council; said board shall perform such duties and receive such compensation as may be prescribed by ordinance: Provided, however, the health officer shall be ex-officio a member of said board, but shall receive no additional compensation for his services as such member. (*n*)

Seventh—To provide the city with water, and to erect hydrants, fire-plugs and pumps in the streets, within or beyond the boundaries of the city, for the convenience of the inhabitants of the city and environs.

Eighth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair, streets, avenues, lanes and alleys, wharves and public grounds and squares; but the mayor and common council shall not establish nor open a street, lane, avenue, or alley, through the grounds lying and being situate between Ninth street and Eleventh street, and Washington avenue and Green street, without the written assent of the proprietors of the St. Louis University, so long as the building now used as a university remains erected thereon; and they shall have no power to open or cause to be opened, to extend or cause to be extended, Sixth street, or any other street or lane, through the grounds now enclosed and occupied by the Sisters of the Sacred Heart, and upon which their convent is located, it being designed to protect them in the enjoyment of the garden and pleasure grounds attached to said convent. (*o*)

Ninth—To establish, erect, and keep in repair, bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, and change, the channel of

(*n*) Sec. 21, act March 14, 1859, p. 219.
(*o*) Act February 11, 1847, p. 136.

water-courses, and to wall them up and cover them over.

Tenth—To provide for the lighting the streets and erecting lamps thereon.

Eleventh—To erect market-houses, establish markets and market places, and provide for the government and regulation thereof.

Twelfth—To provide for the erection of all needful buildings for the use of the city.

Thirteenth—To provide for enclosing, improving and regulating all public grounds belonging to the city.

Fourteenth—To license, tax, and regulate auctioners, grocers, merchants, retailers and taverns, and to license, tax, regulate and suppress ordinaries, hawkers, pedlers, brokers, pawnbrokers and money-changers.

Fifteenth—To license, tax, and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and of wagonage, cartage and drayage of property.

Sixteenth—To license and regulate porters and fix the rate of porterage.

Seventeenth—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

Eighteenth—To license, tax, restrain, prohibit and suppress billiard tables, tippling-houses and dram-shops; and to suppress gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

Nineteenth—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also, to regulate, restrain or prohibit the erection of wooden buildings, and to provide for the removal of the same, when erected contrary to the ordinance of the city; to regulate and prevent the carrying [on] of manufactures dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of

any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

Twentieth—To regulate and order the cleaning of chimneys, and to fix the fees thereof.

Twenty-first—To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops, and other places; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus, used in any house, building, manufactory, or business, which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and, severally, to enter into, or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

Twenty-second—To regulate and prescribe the manner, and order the building of partition and of parapet walls, and of partition fences.

Twenty-third—To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

Twenty-fourth—To provide for the inspection and measuring of lumber, and other building materials.

Twenty-fifth—To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood and other fuel to be used in the city.

Twenty-sixth—To provide for and regulate the inspection of beef, pork, meal, and flour, in barrels, hogsheads, or other vessels: *Provided*, that nothing in this act shall be so construed as to authorize the inspection of of any article enumerated in this act, which is to be shipped beyond the limits of this State, except at the request of the owner or owners thereof, or of the agent having charge of the same. (*p*)

Twenty-seventh—To regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry, and vegetables; to restrain and punish the forestalling of poultry, butter, eggs, and fruit, and to suppress hucksters.

Twenty-eighth—To regulate the weight, quality and price of bread to be sold and used in the city.

Twenty-ninth—To regulate the size of bricks made or used in the city.

Thirtieth—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-first—To regulate the election of all the elective city officers, and provide for removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty-second—To provide for the appointment of all officers, servants, and agents, of the corporation, not otherwise provided for.

Thirty-third—To fix the compensation of the city officers, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Thirty-fourth—To impose fines, forfeitures, and penalties, for the breach of any ordinance, and provide for the

(*p*) Sec. 20, act March 14, 1859, p. 219.

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the use of the city, before any court having cognizance of the same.

Forty-first—To drain and keep drained Chouteau's pond, whenever they deem it best so to do for the general health.

Forty-second—To levy and collect an annual pro rata tax on all fire insurance companies, for the purpose of defraying the expenses of the inspection of buildings and investigating the causes of fires. *

Forty third—To pass ordinances for preserving order, securing property or persons from violence, danger or destruction, protecting public and private property, and for promoting the great interests and insuring the good government of the city; but no ordinance hereby passed, or that may hereafter be passed by the common council of St. Louis, shall in any manner conflict or interfere with the powers, or the exercise of the powers, of the board of police commissioners of the City of St. Louis; nor shall the said city, or any officer or agent of the corporation of the said city, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the said board of police, or any officer or servant or agent thereof or thereunder. (*q*)

Council may borrow money for certain purposes.

II. The common council shall have power, by ordinance, to provide for borrowing money for the following objects: (*r*)

First—To complete the sewer on Biddle street, from Ninth street to the river.

Second—To build sewers on Poplar street, from Tenth street to the river; on Thirteenth street, from Washington avenue to Poplar street, and on Seventh street, from Olive street to Biddle street.

Third—To purchase ground for and erect all public buildings necessary for the use of the corporation, and also to purchase public grounds, and to improve and keep

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* Act of March 5, 1855, p. 176.
(*q*) Act March 27, 1861, p. 231.
(*r*) Art. 7, sec. 14, act of March 3, 1857, p. 165.

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the same in repair; also to purchase ground for and erect a town hall, and other municipal buildings, in any part of the city of St. Louis; and to issue the bonds of the city for the purpose, under the same restrictions as are provided in regard to other loans.*

Fourth—To erect a new reservoir, and to extend and complete the water-works; and to improve unimproved streets.

Fifth—To erect a house of refuge and correction for juvenile offenders: provided, however, that every ordinance for borrowing money shall specify the amount to be borrowed and the object to which it is to be applied, and shall have been passed by a concurrent vote of a majority (*s*) of the members elect voting for the same; and provided further, that no such ordinance shall be in force until the same shall have been submitted to the qualified voters of the city for their approval, to be taken at any general election held in this city, or at any special election held for that or any other purpose, if so ordered by the council in the ordinance proposing the loan. (*t*)

Sixth—To pay judgments against the city when there is otherwise no money in the treasury to meet the same; and in case of money borrowed for this purpose, the same may be done, upon a vote of two-thirds of the council, without submitting the same to the qualified voters of the city.

City may erect and organize a workhouse, &c.

III. The City of St. Louis shall have power to erect and organize a workhouse in St. Louis county. Any person who shall fail or neglect to pay any fine or costs imposed on him by any ordinance of the City of St. Louis, for any misdemeanor or breach of any ordinance of said city, shall, instead of being committed to the jail of the county, be committed to the workhouse, until such fine and costs be fully paid:

(*) Sec. 3, act of February 23, 1853, p. 174.
(*s*) Sec. 13, act of May 13, 1861, p. 243.
(*t*) Sec. 7, act of February 23, 1853, p. 175.

provided, however, that no such imprisonment shall exceed the period of six months for any one offense.

Workhouse convicts required to labor ten hours each day, &c.

IV. Every person so committed to the workhouse shall be required to work for the city at such labor as his health and strength will permit, within or without said workhouse, not exceeding ten hours each day; and for such work and labor, the person so employed, shall be allowed, exclusive of his board, fifty cents per day, for each day's work, which amount shall go towards paying such fine and costs.

The cities of St. Louis and Carondelet may make agreement concerning workhouse, &c.

V. The cities of St. Louis and Carondelet shall have power to make any contract, agreement or arrangement, by which the City of Carondelet may imprison persons in the workhouse of the City of St. Louis, or in the inclosures or appurtenances thereof, for the violation of any ordinance or by-law of the City of Carondelet; and the person so imprisoned may be required by the City of Carondelet to work or labor in such workhouse or inclosure, or appurtenances or elsewhere, under such rules and regulations as said City of Carondelet may by ordinance prescribe. (*u*)

Common council may pass ordinances to carry vested powers into effect.

VI. The common council shall have power to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof. (*v*)

EXECUTIVE AND MINISTERIAL OFFICERS.

Office of mayor; how elected; term of office; may be removed, &c.

I. The chief executive officer of the city shall be the mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and may, for misdemeanor in office, be removed from office by the board of common council, if three-fourths of all the members elected to said board shall vote for such removal. (*w*)

His qualifications.

II. No person shall be mayor who, at the time of his election, is not possessed of the qualifications required for a

(*u*) Act of December 5, 1855, p. 197.
(*v*) Art. 3, sec. 3, act March 8, 1851, p. 155.
(*w*) Art. 4, sec. 1, act of Mar. 3, 1851, p. 157, as amended by sec. 6 of act of March 14, 1859, p. 214.

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measures as he shall deem expedient for the advantage of the city. (*a*)

May call special sessions.

VIII. The mayor may call special sessions of the board of common council by proclamation. (*a*)

Shall state cause of special session.

IX. Whenever a special session of the common council shall have been called by the mayor, he shall state to them, when assembled, the cause for which they have been convened. (*a*)

Offices of register, auditor, treasurer, &c., created.

X. There shall be a city comptroller, city recorder, city register, city auditor, city treasurer, city attorney, harbor master, city marshal, city counselor, land commissioner, gas inspector, and city engineer, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the mayor, by and with the advice and consent of the board of common council, and to perform such duties as may be prescribed by ordinance. (*a*)

Certain offices elective.

XI. The city register, city auditor, city attorney, city comptroller, city recorder, city treasurer, and harbor master, shall be elected by the qualified voters for the office of mayor. (*a*)

Duties of register.

XII. It shall be the duty of the city register to keep a record of all the official acts of the mayor, and, when necessary, to attest them. He shall keep and preserve in his office the common seal of the city, and all records, public papers and documents of the city not properly belonging to any other office. (*a*)

Duties of auditor.

XIII. It shall be the duty of the city auditor to prescribe the mode of keeping, stating and rendering all accounts, unless otherwise provided by ordinance, between the city and any person or body corporate. (*a*)

Duty of treasurer.

XIV. It shall be the duty of the city treasurer to receive and keep the money of the city, and to pay out the same on warrants drawn by the auditor. (*a*)

(*a*) Secs. 7 to 19, inclusive, of art. 4, act of March 3, 1851, p. 158, as amended by act of March 14, 1859.

Powers and duty of marshal.

XV. The city marshal shall, within the city, in matters of a criminal nature, arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable of St. Louis township; he shall execute and return all processes issued by the mayor, recorder, any councilman or justice of the peace, under this act, or any ordinance of the city. (*a*)

Duties of city engineer.

XVI. It shall be the duty of the city engineer to superintend the construction of all public works ordered by the city; to make out plans and estimates thereof, and to contract for the execution of the same; and to perform all surveying and engineering ordered by the city: *Provided, however*, such plans and contracts shall be first approved by the board of common council, or they shall not be valid. (*a*)

City officers to reside in the city.

XVII. The mayor, and all other officers of the corporation, shall reside within the limits of the city during their continuance in office; and if the mayor of the corporation shall cease to reside within the limits of the same, his office shall be thereby vacated. (*a*)

Office of recorder; his duties.

XVIII. The recorder shall possess the same qualifications as the mayor, under the provisions of this act, and may be removed from office in the same manner as the mayor; he shall have the same jurisdiction as justices of the peace, within the limits of the city, in all State cases; he shall have a jurisdiction over all cases arising under any ordinance of said city, subject, however, to an appeal, in all cases, to the St. Louis criminal court, and every such appeal shall be taken and granted in the same manner as appeals are taken from and granted by justices of the peace to the criminal court, under the general law of the State. He shall charge, in all cases, the same fees which are now allowed to justices of the peace for the same kind of services, which shall be charged and collected as other costs, and, when collected, paid into the city treasury. (*a*)

Recorder to make semi-annual statement to council.

XIX. The recorder shall make a semi-annual report of all fees charged for his services, which report shall be verified by

(*a*) Secs. 7 to 19, inclusive, of art. 4, act of March 3, 1851, p. 158, as amended by act of March 14, 1859.

affidavit and returned to the mayor, who shall submit the same to the first meeting of the common council thereafter. (*a*)

Officers shall not be interested in contracts.

XX. No officer of the city shall be interested in any contract under the city, directly or indirectly, in any manner whatever; and any appointed officer becoming so interested, shall be dismissed from office immediately by the mayor, and on the mayor's being satisfied that any elective officer is so interested, he shall immediately suspend said officer, and report the facts to the board of common council; whereupon the board shall, as soon as practicable, meet to hear and determine the same, and if, by a two-thirds vote, he be found so interested, he shall be immediately dismissed from such office. No officer shall hold two appointments under the city government. (*b*)

Shall not hold two appointments.

Penalty for any officer embezzling public moneys.

XXI. Any officer or employee of the city who shall appropriate to his own use, or to the use of any other person, any money belonging to the city, or the interest thereon accruing, when the same is deposited in a bank or other institution, or with any banker, or other person, shall be deemed guilty of embezzlement, and be punished by imprisonment in the county jail for a term not less than two years. (*c*)

ELECTIONS.

Election for city officers; when held.

I. A general election for all the officers of the corporation, required to be elected biennially by this act, shall be holden on the first Monday of April in the year 1859, and every two years thereafter. (*d*)

Elections to be by ballot.

II. At all elections for city officers, the voters shall vote by ballot, and only in the wards wherein they respectively reside. (*e*)

Judges of election.

III. Judges of election shall be appointed by the board of common council; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls

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(*b*) Sec. 27, act of March 14, 1859, p. 220.
(*c*) Sec. 10, act of March 14, 1859, p. 215.
March 14, 1859, p. 214.
(*d*) Art. 5, sec. 1, act of March 3, 1851, p. 160, as amended by sec. 8, act of
(*e*) Art. 5, secs. 2, 3, 4, 5, 6 and 7, act of March 3, 1851, p. 160.

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at sunrise and close them at sunset, when they shall furthwith proceed to ascertain and certify the result of the election, in presence of so many of the candidates or other persons of all parties, indiscriminately, as can be conveniently accommodated in the room selected for the purpose: *Provided*, that there shall never be less than ten voters present at any count, if so many desire to be present. (*e*)

IV. No election shall be held in a grog-shop, or other place where intoxicating liquors are vended. (*e*) No elections to be held in grog-shops.

V. All persons qualified as electors under the tenth section of the third article of the constitution of the State of Missouri, who shall have resided six months within the city, and one month within the ward where they offer to vote, next preceding the election, shall be deemed qualified voters at all elections for city officers. (*e*) Qualifications of voters.

VI. Elections for city officers shall continue but one day, and during that day the polls shall not be closed under any pretence whatsoever. (*e*) Elections to continue one day.

VII. Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance. (*e*) Special elections regulated by ordinance.

VIII. Whenever there shall be a tie in the election of city officers, the judges of election shall certify the same to the mayor, who shall issue his proclamation immediately thereupon, stating such fact, and ordering a new election. (*f*) Mayor to order new election in case of tie.

IX. Hereafter not less than two polls shall be opened in each of the wards in said city at elections. (*g*) Two polls to be opened in each ward.

FUND COMMISSIONER.

I. The mayor of the City of St. Louis shall as soon as practicable after the passage of this act, (*h*) and every two years thereafter, nominate to the board of common council to office to be called the "Fund Commissioner," and when confirmed by the board, shall hold his office for two years, Mayor shall nominate to the council a fund commissioner.

(*e*) Art. 5, sec. 2, 3, 4, 5 & 7, act of March 3, 1851, p. 180.
(*f*) Art. 4, sec. 17, act of February 16, 1841, p. 105.
(*g*) Sec. 12, act of December 5, 1856, p. 196.
(*h*) Act March 4, 1853, p. 179.

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and until his successor is appointed and qualified, unless sooner removed for cause, whose duty it shall be to manage and control the sinking fund hereinafter created.

A sinking fund created and appropriated to the purchase of city bonds; what the fund to consist of.

II. There is hereby created a sinking fund for the City of St. Louis, the proceeds of which shall be appropriated exclusively to the purchase of bonds issued by said city. Said fund shall consist of the sale of the city stores in block number seven, also three-fourths of the net proceeds of the sales of the city common made in the year 1854, and three-fourths of the net proceeds of the sales of common and other lands belonging to the city, whenever further sales are made, also all the railroad stock belonging to the city, in any railroad terminating in the city or opposite to the same in the State of Illinois; and in addition thereto the treasurer of the city shall, on the first Monday in October, in each and every year, pay over to the fund commissioner, the sum of ten thousand dollars, out of the general revenue of the city, which, together with the money, notes and railroad stocks above mentioned, shall constitute a perpetual and irrevocable sinking fund for the payment of the city debt. The city comptroller shall, as soon as said fund commissioner is appointed, and has executed bonds for the faithful performance of his duties, deliver to such commissioner all the notes on hand arising from the sale of the city stores, and the sale of commons which belong to said sinking fund. He shall also give to said commissioner an order on the treasurer for the money arising from said sales, belonging to said sinking fund, and now in the treasury; and shall take the receipt of the commissioner for said money and notes, and all money or notes here derived from the sale of common, and such other lands as may be sold by the city and belonging to said sinking fund, shall be paid and delivered to the commissioner without delay.

Money to be deposited with banks or savings institution, for which security is required.

III. The money and notes received by the commissioner from every source, shall, as soon as received, be deposited at such bank, banking-house or saving institution as the mayor and commissioner may agree upon: *Provided, however*, that

as bank, banking-house or savings institution shall be entrusted with the said sinking fund until the president or principal thereof shall have executed in favor of the City of St. Louis a bond for one hundred thousand dollars, with such individual sureties as shall be satisfactory to the mayor, conditioned for the safe keeping and for the prompt payment of said sinking fund or any part thereof, whenever the same may be demanded by said fund commissioner, which deposit shall be to the special credit of the city, to be drawn out only upon the check of the commissioner, made payable to the order of the mayor and endorsed by him; (c) and said fund commissioner shall at all times keep the mayor fully advised of his transactions as fund commissioner; and the mayor and chairman of the committee of ways and means of the board of common council shall constitute a committee to examine quarterly the books, accounts, and vouchers of the fund commissioner, and make a report thereon to be filed in the comptroller's office. The fund commissioner shall also make a semi-annual report to the common council in the months of January and July of each year, giving a detailed account of the condition of the sinking fund, and of his transactions as fund commissioner.

Commissioner to invest money in bonds of the city, which, when purchased, to be cancelled.

IV. The fund commissioner, as fast as money comes into his hands in suitable amounts, shall invest the same in bonds of the city; and when purchased, they shall be cancelled in the presence of the mayor and comptroller, together with all coupons having more than ten years to run from the date of the purchase; and the fund commissioner shall have credit for the bonds so cancelled; but all coupons attached to the bonds so purchased, falling due within two years from the date of the purchase, shall be cut off and returned by the commissioner and collected by him at maturity as other coupons, and the proceeds added to said sinking fund; and on failure to pay said coupons, said commissioner may cause them to be protested, and enforce their collection against the city in his own name, as though they were his individual

(c) Act November 18, 1867, p. 208.

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property, and he shall stand charged with the coupons so retained.

Railroad stock may be sold and proceeds applied to sinking fund.

V. As soon as the respective railroads in which the city has taken stock are completed, he shall give, in his semi-annual report to the common council, such general information as he may possess about the value of the stock in the respective roads; and the common council may at any time, by ordinance, direct the stock held in any of said roads to be sold, and the proceeds invested in the purchase or redemption of city bonds; and all dividends derived from any road, over and above the interest due on the bonds issued in payment for the railroad stock for the current year, shall be added to the sinking fund.

Commissioner to give bond; qualifications for office; can be removed for cause.

VI. The fund commissioner shall give bond to the city in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties, with good and sufficient security, to be approved of by the mayor; and no person shall be eligible for the office of commissioner who is not a citizen of the United States and has resided in the city or county of St. Louis at least seven years previous to the date of his appointment; and such commissioner may, at any time after notice given, be removed for cause, by a vote of three-fourths of the board of common council, (*j*) the cause of removal to be spread upon the record of their proceedings. In case of the death, removal, or resignation of the commissioner, the mayor shall fill the vacancy by an appointment for the remainder of the time.

Officer misappropriating guilty of embezzlement.

VII. Any fund commissioner who shall appropriate to his own use any money, bonds, notes, or other securities in his hands belonging to the city, or who shall refuse to deliver the same to his successor in office, or to any person entitled to receive the same, shall be deemed guilty of embezzlement.

Compensation and office expenses.

VIII. The common council shall by ordinance provide for the compensation of the fund commissioner and the necessary expenses of the office.

(*j*) Sec. 8, act March 14, 1859, p. 214.

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Interest on deposits to be accounted as part of the fund.

IX. Whenever the fund commissioner shall be able to obtain an agreement for the payment of interest on the sinking fund from the depositary agreed upon by the mayor of the City of St. Louis and the fund commissioner, it shall be his duty so to do, at a rate settled by agreement between such depositary and said mayor and fund commissioner on the part of the city, which interest shall be accounted for as a part of said sinking fund. (*k*)

GAS LIGHT.

Gas-light company shall not demand advance payment for more than one month and a half.

I. No gas-light company chartered in the City of St. Louis shall be allowed to demand from its customers advance payment for more than the estimated quantity of gas to be used by the party for the period of one month and a half.

Gas inspector to be appointed; his duties.

II. It shall be the duty of the mayor to appoint a gas inspector for said city. It shall be the duty of said inspector, in every case of complaint made by any person using said gas, to examine into the cause of complaint; and if any defect is found in the meter, he shall cause said defect to be remedied at the expense of the gas company; and he shall also, in case of defect found in the meter, estimate the amount of the gas actually used by the consumer for the month, and report the same to the company, who shall charge the consumer for said amount and no more; and the common council, by ordinance, may impose such additional duties upon the inspector in regard to gas inspection as they may deem necessary.

Duties of inspector.

III. It shall also be the duty of said inspector, in case of complaint made that the gas company is furnishing gas of an inferior quality, to examine into the cause of complaint; and if it be found that the gas is of inferior quality, he shall report the fact to the mayor, who shall immediately notify the officers of the gas company, requiring them to furnish good gas; and the company shall make a reasonable and proper deduction from the price of the gas sold during the time of the existence of such inferiority, such deduction to

(*k*) Sec. 3, act November 18, 1857, p. 208.

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be made by order of the mayor, upon the report of the inspector.

Compensation.

IV. The said inspector shall receive for office rent and salary, to be fixed by the common council, a sum annually not exceeding two thousand dollars, to be paid by the company.

Average bills shall not be allowed.

V. No gas company shall be ever allowed to make out average bills, but all bills shall be based upon the actual amount of gas consumed.

Company shall not refuse to supply gas when a previous tenant is in arrears.

VI. If any gas company in said city shall refuse to supply gas to any occupant of a building because a previous tenant of the building may not have paid his gas bill, it shall forfeit and pay the sum of ten dollars for every day it shall so refuse, to be recovered in any court having jurisdiction, in the name of the injured party.

Contracts requiring deposit money to be void.

VII. All compulsory agreements or contracts made by any gas company with individuals, requiring a deposit of money greater than is sufficient to pay for the average quantity of gas consumed for one month and a half, are hereby declared void.

Council shall carry out this act.

VIII. It shall be the duty of the common council of the City of St. Louis to provide by ordinance for carrying into effect this act.

HARBOR, WHARF, AND FERRIES.

City authorized to borrow $100,000 to improve harbor.

I. The City of St. Louis is hereby authorized to borrow any sum of money, for the improvement of the harbor of said city, not exceeding the sum of one hundred thousand dollars, and the mayor and common council of said city are hereby authorized to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor of said city, and to remove all obstructions to navigation from said harbor. (*l*)

May borrow $50,000 to improve harbor opposite the southern part the city.

II. The City of St. Louis, subject to the provisions hereinafter contained, is hereby authorized to borrow any sum of money not exceeding fifty thousand dollars, and to issue the

(*l*) Sec. 1, act March 26, 1845, p. 133.

bonds of said city, not exceeding said maximum sum, and bearing an interest of not more than six per cent. per annum, payable semiannually, and to appropriate the money so borrowed to the construction of such works, within or without the limits of said city, as may be necessary to improve or secure the harbor opposite the southern part of said city, and to remove all obstructions to navigation from said part of the harbor. (*m*)

One-tenth of one per cent. to be levied to pay principal and interest on loan.

III. The mayor and common council are hereby authorized to levy and collect a tax, not exceeding one-tenth of one per centum, on all property within said city, made taxable by law for State purposes, in addition to the tax authorized by the charter, the proceeds of which shall be exclusively for the payment of the principal and interest of any money borrowed for the purposes before mentioned, and shall be exclusively appropriated to such payments. (*m*)

Mayor and councilmen individually responsible for misapplication of harbor fund or tax.

IV. Any member of the common council, who shall vote for any ordinance that shall be passed for the application of the money borrowed to any other object than the improvement of the harbor, or for the application of the proceeds of the tax before provided for to any other object than the payment of the principal and interest of the loans before authorized, and any mayor of said city who shall approve any ordinance by which the proceeds of such loans or tax shall be diverted to any other object, shall be liable to pay the amount so diverted to the city, and the same may be recovered by action on the case against such mayor, or such member, in the name of the city; and upon the passage of such ordinance by which such illegal appropriation shall be made, any member of the council present shall be deemed to have voted for the passage of such ordinance unless the yeas and nays are entered upon the journals of such board of the common council. (*m*)

General powers of council to borrow money for harbor purposes.

V. The common council shall have power by ordinance to provide for borrowing money to complete the works necessary to improve the harbor, and, generally, to make such

(*m*) Secs. 1, 2 & 5, act March 12, 1849, p. 139, 140.

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rules and regulations for the purpose of maintaining the trade, commerce, and manufactures of the City of St. Louis as the council may deem expedient. (*n*)

Harbor tax of one-twentieth of one per cent to be assessed in extended new limits.

VI. The mayor and common council may levy a tax, not exceeding one-twentieth of one per centum per annum, upon all taxable property in the territory of the extended new limits of the City of St. Louis, for the preservation and continuation of the improvements in the harbor of said city; and the wharfage collected within said extended new limits shall be expended for the improvement of the wharf in the wards respectively where collected, and separate accounts shall be kept for that purpose. (*o*)

Harbor tax and wharfage to be exclusively applied to their appropriate purposes.

VII. The revenue received from wharfage (deducting the expenses of collecting the same, and other incidental expenses attendant thereon) shall be applied and appropriated exclusively to the improvement of the wharf until the same be completed; and the harbor tax, and all other special taxes, shall be applied to the objects to which they are applicable by law. (*p*)

Council may compromise conflicting claims to wharf property.

VIII. The common council of the City of St. Louis shall have power to provide by ordinance for compromising, adjusting, and purchasing the conflicting claims that haqe been set up by individuals to the ownership of any part of the city wharf or landing, in front of the city, and to obtain from the claimants relinquishments of all their pretensions to hold or own any part of the wharf as private property; and to take all necessary steps to quiet the title of the city to such portions of the wharf or landing, so that the same may be hereafter improved and used as a public city wharf, as other portions of the wharf are now held and used; the common council shall have power by ordinance to provide the means for carrying this act into effect, by loan, taxation, or otherwise. (*q*)

(*n*) Sec. 14, art. 7, p. 165, & 45th clause sec. 2, art. 8, act March 8, 1851, p. 155.

(*o*) Sec. 7 & 8, act December 5, 1855, p. 195.

(*p*) Sec. 1, act February 23, 1853, p. 171.

(*q*) Act March 10, 1849, p. 137.

General powers of council in relation to navigation and ferries.

The common council shall have power, by ordinance:

First—To improve and preserve the navigation of the Mississippi river within the city. (*r*)

Second—To purchase, erect, repair, and regulate public wharves and docks, to regulate the erection and repair of private wharves, and to fix the rate of wharfage thereat: Provided, the rate of wharfage at private wharves shall be the same as at public wharves. (*r*)

Third—To regulate the stationing, anchorage and mooring of vessels within the city. (*r*)

Fourth—To create the office of port warden, and define the duties thereof; and to regulate and license all ferries within the limits of the city. (*r*)

HOUSE OF REFUGE.

City authorized to erect buildings; when and for what purpose.

I. The common council of the City of St. Louis is hereby authorized and directed to erect upon the following described lot of ground, or parcel of land, to wit, block numbered eighty (80) of the common of St. Louis, according to the survey and plat thereof made by Charles DeWard, such buildings and improvements, in addition to those now on said land, as may be suitable for a house of refuge for the confinement and reform of juvenile offenders.

County court required to make an appropriation.

II. The county court of St. Louis county is hereby authorized and directed to appropriate towards said buildings and improvements, the sum of twenty thousand dollars.

Persons committed to remain until twenty-one years of age; when.

III. All males under sixteen, and females under fourteen years of age, who shall, under existing laws of the State of Missouri, or ordinance of the City of St. Louis, or such as may hereafter be enacted or passed, be liable to confinement in the workhouse of St. Louis city, the county jail of St. Louis county, or the penitentiary of the State of Missouri, may, at the discretion of the court or magistrate giving sentence, be placed in the said house of refuge, and when so placed, shall be, until reaching the age of twenty-one years, under the exclusive control of the managers of said house of

(*r*) Art. 3, sec. 2, clauses 15, 16 & 17, p. 152, and clause 40, p. 164.

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refuge, according to the regulations hereinafter provided. But if the imprisonment or confinement to which such minor would be liable be only provisional, in order to bring such minor to trial for a supposed offense, or to secure his or her attendance as a witness in a criminal cause, in every such case, such minor shall be sent to said house of refuge, and the authority of said board over such minor, arising from such order of commitment, shall cease upon the occurring of the event in respect of which it was made.

Expenses of prisoners; how paid.

IV. The keeping and expenses of all prisoners committed to said house of refuge, by order of any court of St. Louis county, shall be paid by the county according to the rates fixed in the regulations adopted for said house, as hereinafter provided.

Proceedings for admission of a child or ward. Expenses; how secured.

V. Any parent or guardian having legal power to apprentice any male child or ward, under the age of sixteen years, or female child or ward, under the age of fourteen years, who shall, in writing by him or her signed, represent to the board of managers of said house of refuge, that such child or ward is a proper and fit subject for admission into said house of refuge, stating the particular facts which constitute such fitness, and petitioning said managers to take charge of said child or ward, may be examined in relation thereto by said board of managers, who are authorized to receive all such children or wards at their discretion. The expenses of such ward or child shall be, before such reception, secured to be paid by the parent or guardian, unless in cases where the managers, for good cause, shall otherwise determine. And in all cases where such payment is ordered to be made by such parent or guardian, it shall be according to rates fixed in the general regulations hereinafter provided for.

Writs of habeas corpus to discharge minors.

VI. The circuit court, the court of common pleas, the land court, the county commissioners, and the criminal court of St. Louis county, or the judges of any of said courts in vacation, shall have exclusive jurisdiction of all writs of habeas corpus for the discharge of any minor confined in said house of refuge, and no other court or magistrate in St.

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Visitors and inspectors.

XIII. The mayor and common council of St. Louis, the county commissioners of St. Louis county, or the grand jury of the county of St. Louis, may, at any time, visit and inspect the said house of refuge, and examine the records and books of accounts of said board.

Children committed; when and by whom.

XIV. Every child found in said city in a state of want, or abandoned, or improperly exposed, or grossly neglected by its parents or persons having its charge, or soliciting charity from door to door, or in any street or highway, or public place, and every child of any person in said city convicted of being a common prostitute, or keeper of a bawdy house, or house of resort for prostitutes or of assignation, and every child found in such houses may be committed to said house of refuge by the mayor or by the recorder of said city, or by any two councilmen, or by any two justices of the peace of said city, upon complaint, and competent proof of the facts charged; and when so committed, shall be kept, and be under the control of the managers of said house.

Term of comitment.

XV. That every commitment in pursuance of the fourteenth section of this act, of which this is amendatory, shall be, for the first commitment, for a term not exceeding one year, and for the second, not exceeding two years; adding a limit of a year for every subsequent commitment. And every commitment in pursuance of section 3d of this act, of which this is amendatory, shall be for a period of not more than five years.

Appeal may be taken within certain time.

XVI. In all cases an appeal may be taken at any time within ten days after the commitment of the child by its parent, guardian, or person having its charge; and such appeal may be taken at any time within six months after the date of such committal, if personal service of the proceeding whereon said commitment is founded have not been, by notice of the time and place of trial, given to the parent, guardian, or person having charge of the child.

How appeal to be perfected.

XVII. Such appeal shall be perfected by filing in the clerk's office of the St. Louis criminal court, an affidavit of

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XXI. No apprenticeship of any child authorized by the act shall bar any right of appeal granted herein; but if such appeal be sustained, the indentures shall be null and void.

Apprenticeship shall not preclude an appeal.

XXII. Any child committed to the house of refuge may be discharged by the mayor of the City of St. Louis, and by such other persons or officers as may be authorized by the by-laws of the institution.

Mayor and certain officers may discharge persons committed.

XXIII. Nothing in this act shall be so construed as to authorize the binding out of any juvenile delinquent to a non-resident, or the employment of such delinquent without the State of Missouri.

Delinquents not to be bound out to non-residents.

NEW LIMITS.*

I. In making the assessment of the revenue of the City of St. Louis, the assessors shall so arrange and make out their books as to distinguish the revenue arising from taxes on the property in the several wards, situate within the new limits of the city, (which were added to the city by an act, approved February fifteenth, eighteen hundred and forty-one, entitled "An act to amend an act to incorporate the City of St. Louis," approved on the eighth day of February, eighteen and thirty-nine,) from the revenue accruing from taxes on property situated in the old limits of the city, as they existed before the passage of the above recited act, so as to show how much revenue is derived from taxes on property situated within said new limits, added to the said City of St. Louis by the above recited act; and, in like manner, the collectors of revenue shall keep their accounts so as to show the amount of revenue derived from tax on licenses granted within said new limits, and outside of the old limits of the respective wards.

Assessors shall distinguish revenue derived from the new limits from that derived from the old limits.

II. When the whole city revenue of each year shall have been collected, there shall be paid out of the net aggregate amount thereof derived from taxes and licenses of every kind,

How the net revenue shall be paid out.

First—All expenses of the city hospital, except for additions or enlargement of the buildings.

Second—All quarantine or extra expenses, except for

* Act March 1, 1851, p. 144, as amended by act March 14, 1859, p. 213.

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buildings, that may have been incurred within the year, on account of the danger or prevalence of epidemic disease.

Third—All interest that may accrue upon money borrowed for the construction of public sewers within the city, which have been, or may be, constructed at the expense of the city; and then one-half the remaining revenue derived from taxes and licenses as aforesaid, within said new limits, and outside of old limits, shall be set apart and appropriated to the making and grading, and improving the streets within said new limits, and outside of said old limits, in each of the several wards of said city, in proportion to the amount of such revenue derived from each respectively; and no part of the revenue thus set apart shall be used for other purposes than as herein specified, nor shall any of the new limit fund be appropriated for repairing streets.

Members of the council shall constitute committees of improvement in their respective wards; their duties.

III. The councilmen from each ward, for the time being, shall constitute a standing committee on improvements for the limits of said ward, and shall determine upon and report to the common council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement; which report shall be in writing, signed by said committee, and shall be published daily, for at least four days, in two papers publishing the proceedings of the common council; and if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

Committees of adjoining wards to act jointly when a street forms a division line.

IV. Whenever a street shall form a division line between that part of any two wards within such new limits, the improvement committees of the two wards may act jointly, and recommend that an equal amount from the new limit fund of each ward be appropriated to improve such street.

Duty of council in the expenditure of money in new limits.

V. It shall be the duty of the common council to pass such rules, make such orders, and establish such regulations, as will cause the money thus set apart for the improvement of the new limits of the several wards, to be faithfully, judi-

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ciously, and economically applied, in such manner as will best promote the interests of said new limits, and provide for the manner in which the fund thus set apart shall be paid out and disbursed; and all such improvements shall be contracted for, and constructed under the superintendence of the city engineer, and be in all respects managed as other city improvements: *Provided, however*, that no street shall be improved out of the new limit fund until recommended by the improvement committee, but the council may reject the report of such committee.

Improvements how contracted for and constructed.

VI. The provisions of this act are hereby continued in force until the twelfth day of April, eighteen hundred and sixty-six: Provided, however, that if all the streets in the new limits of any ward shall hereafter be improved before the expiration of said period, then and in that case the provisions of this act shall cease to apply to said ward, and all the revenue collected in said ward shall remain in the general fund of the city. (*s*)

Provisions of this act continued in force.

VII. The common council shall not pass any ordinance for the improvement of the streets in the new limits of the city, or for other improvements in said new limits, to be paid for out of the new limit fund when the amount required for such improvement exceeds the amount actually in the treasury of said city to the credit of said fund. (*t*)

Appropriations shall not exceed amount in treasury to the credit of new limit fund.

REVENUE.

I. The appropriations and contracts made and entered into by the board of common council during any one fiscal year, for all objects of the public service, (except special expenditures, payable out of special revenue or taxes,) shall not exceed the income of the preceding fiscal year after deducting from such income the proceeds of special revenue and taxes; but if the income of any one fiscal year, excepting therefrom the special revenue and taxes applicable to special objects of expenditure, shall be found to exceed the amount

Council shall not appropriate during any one year more than the income of the preceding year, after reserving special taxes.

(*s*) Sec. 3, Act January 16, 1860, p. 227.
(*t*) Sec. 12, Act May 13, 1861, p. 248.

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of appropriations herewith authorized, the board of common council shall have power to appropriate such excess of income to the payment of the public debt. (*u*)

Special revenue and taxes, in what they consist.

II. [The special revenue and taxes applicable to special objects of expenditures herein named are, "the special public sewer tax," "the special district sewer tax," "the special tax to liquidate the bonded indebtedness and interest on sewer bonds," "the harbor tax," and "wharfage."]

Manner in which city revenue shall be disposed of.

III. [When the whole city revenue of each year shall have been collected, it shall be disposed of in the manner and order following:]

1. There shall first be reserved from general appropriation that portion of the revenue derived from the special taxes and licenses hereinbefore named.

2. After such reservation, there shall be set apart an amount necessary to pay the interest upon the indebtedness of the city, and the amount necessary for the expenses of the city hospital, and health department. (*v*)

3. One-half of the remaining revenue, derived from taxes and licenses in the new limits, shall then be set apart and appropriated as the "new limit fund." (*w*)

4. From the net aggregate of the remaining revenue there shall be set apart an amount necessary for the expense of lighting the city with gas, and the sum of ten thousand dollars required by law, to be placed to the credit of the sinking fund. (*x*)

5. The common council are required, in the first appropriation ordinance of the fiscal year, to set apart and appropriate the amount which the police commissioners of the City of St. Louis shall have certified to said council as the necessary expenses of the police department for the current fiscal year: Provided, however, that the same shall not exceed, in any one year, the amount appropriated by the City of St. Louis, for maintaining the police of the city,

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(*u*) Sec. 13, act March 14, 1859, p. 215.
(*v*) Sec. 1, act Feb'y 23, 1853, p. 171, and sec. 2, act March 1, 1851, p. 144.
(*w*) Sec. 2, act March 1, 1851, p. 144.
(*x*) Sec. 15, act March 27, 1861, p. 239.

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during the year one thousand eight hundred and sixty; and provided also, that the amount so required, or drawn, shall not exceed in any one year the amount so as aforesaid certified for that year to the common council aforesaid. (y)

6. Such further appropriations as may be necessary to carry out the requirements of charter and ordinance.

1V. From and after the second Tuesday of October, 1861, the common council of the city shall not, after having passed a general appropriation bill, pass any ordinance appropriating money unless the amount thereby appropriated be actually in the treasury of the city, and not required to meet appropriations already existing. Any member of said common council voting for, and any mayor approving any ordinance passed in violation of this section, shall be jointly and severally liable in his personal estate for any amount drawn from the treasury of said city in pursuance of any such ordinance: (z) Provided, however, that the council may issue new bonds for the purpose of paying bonds matured, and apply the proceeds to the payment of bonds so falling due. (a)

V. No sum of money appropriated by ordinance to any particular fund or object, shall, except in pursuance of change in the appropriation thereof by ordinance, be diverted from such fund or object, or used for any other purpose; and any officer of said city making or authorizing any such diversion, or use, shall be liable in his personal estate for any amount so diverted or used for any purpose, or object, other than that for which the same was especially appropria ted. (b)

VI. The comptroller of said city shall cause to be canceled all special accounts on the books of the auditor of said city showing an unexpended balance to the credit of any special fund when he shall be satisfied that such apparent balance has been authorized, and used in the payment of indebtedness of said city. (c)

After the first annual appropriations bill, no money shall be appropriated except in the treasury.

Mayor and councilmen voting for unauthorized appropriations, subject to personal liability.

City officers to be liable for misappropriations of special revenue.

Comptroller to cancel certain appropriations.

(y) Sec. 15, act March 27, 1861, p. 289.
(z) Sec. 8, act May 18, 1861, p. 382.
(a) Sec. 1, act February 20, 1860, p. 171.
(b) Sec. 8, act May 11, 1861, p. 382.
(c) Sec. 16, act May 18, 1861, p. 385.

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Separate accounts to be kept of particular disbursements.

VII. A separate account shall be kept of the revenue applicable to the different objects in this act indicated, and of the disbursements on account of each. (*d*)

Auditor and treasurer to report statement of revenue of preceding year, and objects to which it is applicable.

VIII. At each session of the common council, stated or special, and on the first day thereof, the auditor and treasurer, under such penalty as may be prescribed by ordinance for neglect thereof, shall lay before the board of common council, and the mayor, a statement, showing the amount of income derived from the revenue of the preceding fiscal year, and the appropriations for the different objects to which the revenue is applicable during the then current fiscal year, certified by them jointly. (*d*)

Warrants less than 1,000 dollars not to be issued by the city, except in certain cases.

IX. No warrant, bill, or note, shall be issued by the city to any creditor of the city, for less than one thousand dollars, or the entire amount due by the city to such creditor, if the same be less than such sum, or the balance remaining due to such creditor after the issue to him of such thousand dollar securities: Provided, however, that this restriction shall not apply to city treasury warrants issued under the act of the general assembly, entitled, "An act for the relief of the City of St. Louis," approved May 13, 1861. (*e*)

Mayor to bring suit against delinquent officer.

X. Whenever any revenue or other city officer, accountable as such for money received or receivable by him, shall neglect or refuse to pay into the treasury of the city the sum or balance reported by the auditor to be due from him to the city, upon the adjustment of his account, the mayor shall order suit to be commenced in the proper court against such delinquent officer, for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per cent. per annum from the time of receiving the money, or when it shall have been received, until it shall be paid into the treasury. (*f*)

(*d*) Sec. 22 & 23, act March 3, 1851, p. 167 & 168.

(*e*) Sec. 24, act of March 3, 1851, p. 168, as amended by act May 13, 1861, p. 241.

(*f*) Secs. 17, 18, 19 & 20, art. 7, act March 3, 1851, p. 166, 167.

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Certified transcript from auditor's books shall be admitted as evidence.

XI. In every case of delinquency where suit has been or shall be instituted, a transcript from the books of the auditor, certified by him, shall be admitted as evidence, and the courts trying the cause may grant judgment and award execution accordingly. (*f*)

Court shall grant judgment against delinquent officer at return term, except in certain cases.

XII. When suit shall be instituted against any delinquent as aforesaid, the court, where the same may be pending, shall grant judgment at the return term, upon motion, unless the defendant shall, in open court—the city attorney being present—make oath or affirmation that he is entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the auditor, and rejected, specifying each particular item so rejected in the affidavit, and that he cannot then safely come to trial: oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance until the next succeeding term may be granted, but not otherwise. (*f*)

Claims for credits not to be admitted unless first presented to auditor.

XIII. In suits such as aforesaid, no claim for a credit shall be admitted upon trial but such as shall appear to have been presented to the auditor for his examination, and by him disallowed in whole or in part, unless it be proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers, not before in his power to procure, and that he was prevented from exhibiting a claim for such credit to the auditor by some unavoidable accident. (*f*)

Council shall cause to be published annual statement of receipts and expenditures.

XIV. The common council shall, at least once a year, not more than thirty nor less than twenty days before the annual election, cause to be published in the newspapers employed to do the city printing, a full statement of all the receipts and expenditures of every description for the current fiscal year, including all the moneys which have passed through the hands of the comptroller or treasurer for any purpose whatever, together with the different sources of the city revenue, the amount received under each, the several appropriations made by the said common council, the objects

(*f*) Secs. 17, 18, 19 & 20, art. 7, act March 3, 1851, p. 166, 167.

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for which the same were made, and the sums expended for each; also, a statement of all money borrowed upon the credit of the city, whether by temporary loans, or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purpose to which they were applied, and how much of the same, or other city indebtedness has been repaid, and by what means. The statement shall also include a detailed account of the city property, existing debts of every description, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Also, an account of city property, debts, &c.

Real estate to be assessed at its cash value; improvements to be taxed with the ground.

XV. All lands and lots of ground shall be assessed for taxation at their actual cash value; and all houses, and other improvements, shall be assessed and taxed with the ground on which they stand.

Termination of the fiscal year.

XVI. The fiscal year of the city shall terminate on the day preceding the second Monday of April in each year.

Rate of taxation in the extended new limits.

XVII. The taxes to be levied by the mayor and common council upon the taxable property in the "extended new limits," during the period of ten years, from 5th of December, 1855, shall not exceed one-third of one per centum per annum on the assessed value thereof; saving, however, the harbor and other taxes hereinafter provided for.

RIOTS AND BREACHES OF THE PEACE.*

What shall be deemed an affray; punishment therefor.

I. If two or more persons shall voluntarily or by agreement engage in any fight, or use any blows of violence towards each other, in an angry or quarrelsome manner, or do each other any willful mischief, or if any person assault another, and strike him in any public place, to the terror or disturbance of others, the person or persons so offending shall be deemed guilty of an affray, and, on conviction, shall be punished by being imprisoned in the county jail for a term not exceeding three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

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* Act of Mar. 5, 1855, p. 183, as amended by act of March 14, 1859, p. 213.

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Unlawful assembly how punished.

II. If three or more persons shall assemble together with the intent, or, being assembled, shall agree mutually to assist one another, to do any unlawful act with force or violation against the person or property of another, or against the peace, or to the terror of the people, such persons so assembling, and each of them, shall be deemed guilty of an unlawful assembly, and, on conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Riotously disturbing the peace—punishment.

III. If three or more persons, being assembled as mentioned in the second section of this act, shall proceed to carry out or accomplish their purpose, or do any unlawful act in furtherance or supposed furtherance of said purposes in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any such unlawful act, shall be deemed guilty of a riot, and, being convicted thereof, shall be punished by imprisonment in the penitentiary of the State of Missouri for a period not exceeding five years, or by a fine not exceeding two thousand dollars, or by such fining and imprisonment; provided, that nothing in this section contained shall be construed to exempt any person offending against its provisions from any higher or heavier punishment annexed by law to any felony which may be committed by such rioter.

Individuals may be indicted singly.

IV. Any individual engaged in such riot may be indicted and punished singly.

If twenty or more persons unlawfully and tumultuously assemble, duty of certain officers.

V. If twelve or more persons armed with clubs, stones or other dangerous weapons, or if any number of armed or unarmed persons exceeding twenty, shall unlawfully, riotously or tumultously assemble in the city of St. Louis, it shall be the duty of the mayor, and each member of the board of common council, and of the sheriff, coroner and marshal, and their respective deputies, of the county, and of each justice of the peace, including every person who is by virtue of his office a conservator of the peace of the State, to go among such persons so assembled, or as near to them as may be consistent with safety, and to command all such persons

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so assembled to disperse immediately and repair to their respective places of business or abode; and if such command be not forthwith obeyed, to proceed to arrest all persons so refusing or failing to obey such command; and to command all bystanders or spectators to aid and assist in making such arrests.

Person refusing to assist in making arrests deemed one of the unlawful assembly—punishment.

VI. Every person so commanded to assist in making such arrests, and failing or refusing to assist as required, and every person who shall fail to disperse forthwith, on being commanded as aforesaid, shall be deemed to be one of such unlawful assembly, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Persons making a noise to prevent command of officer from being heard, and other persons, may be punished.

VII. Should the persons so assembled, as described in the fifth section, make a noise and clamor, so that the voices of the officers commanding them to disperse cannot be heard or distinguished, all persons so clamoring, and all persons standing with, by, or among such persons, shall be deemed to have full notice of the command to disperse, and shall on failure to do so forthwith be punishable as for a willful refusal to obey such command.

Magistrate or other officer neglecting to perform his duty, how punished.

VIII. Any magistrate or officer mentioned in section five of this act who shall be informed or have notice of such riotous assemblies, and who shall refuse or neglect to perform his duties imposed on him by said fifth section in that behalf, shall be on conviction adjudged guilty of a misdemeanor in office, and punished by a fine not exceeding five hundred dollars.

Power and authority of the mayor and other officers when persons fail to disperse.

IX. If the persons assembled as indicated in the fifth section of this act shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are hereinafter named, have power and authority to require the aid of a sufficient number of persons, in arms or otherwise, and to proceed as they may deem expedient to repress and disperse such riotous assemblage and arrest offenders; that is to say, the duty of requiring the aid of such

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force and directing its employment shall devolve, in the first instance, on the mayor of the city, and if he be not present or not able to act, then the judge of any court of record, the sheriff, the marshal, the coroner, or any two justices of the peace. In case of the absence of any of the officers mentioned in this section, the officer named after him herein shall have all the power and authority which such absentee would have had if present.

All persons summoned shall obey orders.

X. Such force, armed or unarmed, summoned as provided in the preceding section, and all persons co-operating with them, shall obey such orders for the suppresion of such riot as they may receive from the magistrate, or any of them to whom authority to require their aid is given by the ninth section of this act.

In case of killing, wounding, &c., magistrates and other officers and persons to be held guiltless.

XI. If by reason of the efforts made by any of such magistrates and officers, or persons co-operating with them, to suppress such riotous assembly, or arrest those engaged in the same, any person so engaged in such riotous assembly, or giving aid or countenance thereto, or who may have refused to disperse, although the number of such persons may be reduced to less than twelve, or any person or persons present as spectators or otherwise, be killed, wounded, or otherwise hurt, such magistrate and officers, and all persons acting with them by order of such magistrate or officers, as defined in said ninth section, shall be held guiltless and justified in law; but if any such magistrate, officer, or person acting under their orders or directions, or co-operating with them, be killed or wounded by reason of resistance to such efforts to disperse and repress such riotous assemblage, all persons so notoriously assembled, and not dispersing after command, and all persons standing by and not aiding to disperse and repress such riotous assemblage shall be answerable therefor as for willful and deliberate felony or misdemeanor, according as the injury committed be homicide, mayhem, or any less injury.

Persons engaged in a riotous assemblage liable for damage.

XII. All persons forming part of an unlawful and riotous assemblage shall be liable to any person damaged in person or property by the acts of such unlawful assemblage.

City liable for damages; how recovered.

XIII. The city in which such trespass may be committed shall be liable to pay the person whose property shall be injured or destroyed thereby, three-fourths of the value thereof, or the damage thereto. The city paying such damages to the party injured by such riotous assemblage, may recover the same with ten per centum added thereto, besides interest and costs, of any person or persons engaged as a participant in such riotous assemblage, by action of debt or civil suit analagous thereto, at any time thereafter.

Not liable for certain kinds of property.

XIV. The city shall not be made liable, under the provisions of the thirteenth section of this act, for the damages or destruction of property of the following description: 1st. Property contained in any building or place, the occupant of which is carrying on business then, or engaged in a calling or avocation in violation of any law of the State of Missouri or the United States, or ordinance of the city. 2d. All property, of whatever description, belonging to a person who may have been in any way contributary to, or instrumental in, bringing on such riotous assemblage. Nor shall the City of St. Louis be liable to any action for the destruction of any property by a mob in favor of any person who at the time of such destruction is delinquent in the payment of any taxes due the said city. (*g*)

Claim not transferable before return-day.

XV. No person having such a demand or claim against the city as is mentioned and provided for in section thirteen, shall be allowed to assign or transfer the same at any time before the return day of the execution issued upon a judgment obtained therefor; and any attempt to assign or transfer the same, or any part thereof, shall be and shall operate a satisfaction and discharge of such demand or claim, so far as any recourse against the city under section thirteen of this act is concerned, but not as against any person composing the riotous assemblage committing the trespass.

Mayor may require minors to keep within doors, when.

XVI. The mayor being apprehensive of a riot or riotous assemblage within such city, may, by proclamation, require

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(*g*) Sec. 15, p. 186, as amended by sec. 2, p. 198, & sec. 14, p. 243.

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all minors to keep within doors for any length of time not exceeding three days, during that period of such autumnal day of twenty-four hours which intervene between the end of one hour after sunset and the beginning of one hour before sunrise, and all minors offending against such proclamation may be forthwith arrested, and on conviction may be imprisoned in the house of refuge of such city, or other safe place of confinement to be prescribed by ordinance of such city, for a period not exceeding thirty days.

Mayor may issue proclamation, when to be closed, and forfeit sum of money here mentioned.

XVII. The mayor may, by proclamation, cause all drinking shops, bars, and other places where intoxicating liquors or drinks are customarily sold, given or dispensed, to be closed for any period of time not exceeding thirty-six hours, upon any election for officers of the city, State, county, or of the United States; and may also, by proclamation, forbid all persons to sell, give, lend, barter, or otherwise dispense or distribute intoxicating drinks or liquors during the same period of time, within the city, or within one mile of its corporate limits; and any person disobeying such proclamation, and each and every person aiding, assisting or co-operating with him, shall be immediately arrested and proceeded against by indictment, and on conviction shall be punished by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Penalty for disobeying provisions hereof.

Common council may direct the mode of proceeding against minors.

XVIII. The common council may, by ordinance, direct the mode of proceeding against minors for a violation of section sixteen of this act, and may vary the punishment so that they do not affix to the simple offence of disobeying said sixteenth section, a greater punishment than a fine not exceeding one hundred dollars, or an imprisonment in the house of refuge not exceeding six weeks, or by both such fine and imprisonment.

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SEWERS. (a)

Common council may establish a general sewer system.

Classified into public, district, and private sewers.

I. The board of common council shall have power, by ordinance, to cause a general sewer system to be established, which shall be divided into three classes of sewers, namely: public, district, and private sewers. Public sewers shall be established along the principal courses of drainage, at such times and to such extent, and of such dimension, and under such regulations, as may be provided by ordinance; and there may be extensions or branches of sewers already constructed, or entirely new throughout, as each case may require. The board of common council shall levy a tax on all property made taxable for State purposes, over the whole city, to pay the cost of constructing, re-constructing, and repairing such works; which tax shall be called a "special public sewer tax," and shall be of such amount as may be required for the sewers provided by ordinance to be built; and the fund arising from said tax shall be appropriated solely to the building, re-building, and repairing of said sewers. District sewers shall be established, within the limits of districts, to be prescribed by ordinance, connecting with the public sewers, or other district sewers, or with any natural course of drainage, as each case may require. Such district may be subdivided, enlarged, or changed, by ordinance, at any time previous to the construction therein. The common council shall cause sewers to be constructed in each district, whenever a majority of the property holders resident within a district shall petition therefor, or whenever the council may deem such sewer necessary for sanitary or other purposes; such sewers shall be made of such dimensions as may be prescribed by ordinance, and may be changed, enlarged, or extended, and shall have all the necessary laterals, inlets, and other appurtenances, which may be required. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work,

"Special public sewer tax" to be levied.

Regulations concerning district sewers.

Cost of district sewers, how charged and collected.

(a) Sec. 14, act March 14, 1861, p. 215.

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shall be under the direction of the Board of Health of the Township of Hamilton, and shall be subject to the rules and regulations of the Board of Health. It shall be the duty of the Health Officer, under the direction of the Board of Health, to enforce the provisions of this act.

Health officer to be appointed by board of health.

Duties of health officer.

Penalty for violation of act.

Recovery of penalty.

Penalty, how applied.

Board of health may make rules and regulations.

Penalty for violation of rules.

Recovery of penalty.

Penalty, how applied.

Board of health may appoint assistant health officer.

Duties of assistant

a special tax against the property in such sewer district, in proportion to the value thereof, for the immediate liquidation of the bonded debt and interest of said sewer district; and the accounts of said sewer districts shall thereafter be kept in accordance with the provisions of this section: Provided, that in no case shall a sewer run diagonally through private property when it is practicable to construct it parallel to one of its front lines; and a public sewer shall not be constructed through private property when it is practicable to construct in the adjacent street.

Sewers not to run through private property.

STREETS.

*Of the establishing and opening Streets, Alleys, &c.**

When council shall provide for establishing or opening streets, alleys, &c., compensation to be made to owners—how.

I. Whenever the council shall provide by ordinance for establishing, opening, widening or altering any street, avenue, alley, wharf, or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner or owners thereof, just compensation shall be made therefor to the person or persons whose property is so taken, which the land commissioner shall cause to be ascertained by a jury of six disinterested freeholders of the city, the particulars of which proceeding shall be prescribed by ordinance.

Proceedings and duties of land commissioner.

II. The land commissioner shall appoint a day for impanneling a jury and ascertaining the damages, at least six days' notice of which shall be given to the person whose property is proposed to be taken, and if any of the owners thereof are unknown or cannot be found by the marshal of the city, or are absent from the city, (and the return of the marshal shall be conclusive as to the facts therein stated,) publication thereof shall be made in at least two of the city daily newspapers, for at least four weeks before the day appointed, notifying all owners and others interested in the property proposed to be taken, that, on the day therein named, the land commissioner will cause the property therein described to be

* Sec. 5 to 12, act of Jan. 16, 1860, p. 228 & 229.

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condemned for public use as an alley, street, avenue, wharf, or square, as the case may be, and damages to be assessed therefor as herein provided; and such notice, by publication as aforesaid, shall be binding upon all persons whatsoever having any interest in any property that may be charged by the verdict of the jury, and with the payment of any portion of the damages in consideration of benefits to be derived by them.

Duty of the jury impanneled to ascertain damages.

III. It shall be the duty of the jury, first, to ascertain the actual value of the land proposed to be taken for the opening, widening, or altering of an alley, street, avenue, wharf, or public square, without reference to the proposed improvement; then, for the payment of such sum, to assess against the city the amount of benefit to the public generally, and the balance against the owner or owners of property benefited by the opening of such alley, street, avenue, wharf, or square, according to the value of the property so assessed, and in the proportion that such property may be respectively benefited by the proposed improvement; and the sum or sums to be paid by the owner or owners of property respectively benefited by the improvement, as ascertained by the jury, shall be a lien upon the property so charged, and shall be collected as provided by ordinance.

Land commissioner may set aside inquest for good cause.

IV. The land commissioner shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, to set the same aside, and cause a new inquest to be made.

Verdict to be reported to council when not set aside; if confirmed, appropriation to be made, &c.

V. If the verdict of the jury be not set aside by the land commissioner, it shall be his duty, within one month, to report the same to the council, and, if confirmed by the council, an appropriation shall be made to pay such sums as shall be assessed against the city, and it shall be lawful for the city to take possession of the ground so condemned for public use; but if not confirmed by the council within two months after being reported to them by the land commissioner, all the proceedings shall be void. If the title to any property proposed to be condemned be in controversy, nothing shall

be paid therefor until the right to the money ascertained by the verdict of the jury is determined by a court of competent jurisdiction, in a suit between the parties respectively claiming the same; none of the costs of which litigation shall be borne by the city unless the city be one of the claimants, and during such controversy the money shall remain in the city treasury.

Duty of council when owners petition.

VI. When the owners of the major part of the front of all the property on the street, avenue, alley or wharf proposed to be opened, widened or established, shall petition the council therefor, the city council, if the improvement proposed by the petitioners be deemed expedient, shall provide by ordinance for the opening, widening, or establishing the same; and the proceedings for the condemnation of property so proposed to be taken shall in other respects be conducted as is prescribed in this article, when it is sought to condemn property for public use, without the petition of the property holders, but no damage shall be awarded to any owners so petitioning.

In cases of relinquishment without claim of damages, commissioner may compromise with parties.

VII. Whenever one or more of the owners of property which it may be necessary to take for public use in the opening of any street, avenue, alley, or wharf, shall propose to relinquish such property without claim of damages, on condition of exemption from payment of benefits for further opening of such improvement, or upon other conditions, the land commissioner shall be authorized to compromise or agree with such persons, and to remit, abate and exempt them from the payment of damages, in consideration of the payment of benefits wholly or partly, as equity may seem to require, and proceed to condemn such other property as may not be relinquished for the purpose, and to assess the damages and benefits thereof to and upon such other persons as may be damaged or benefited by such improvement, and report his proceedings to the council, anything in this act contained to the contrary notwithstanding.

Judgm'nts against city to be held in abeyance, and un-

VIII. Judgments against the city on account of damages to private property, in case of opening streets, shall not be

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considered as ordinary judgments, but such judgment shall be held in abeyance, and the city shall not take possession of the ground condemned until such judgments shall be confirmed and appropriations made to pay the same out of the general revenue.

If confirmed by council city not to take possession of condemned property.

IMPROVEMENT OF STREETS.

I. It shall not be lawful for the board of common council to grade, pave, macadamize, clean, water, or light any street, lane, avenue, or wharf, not established and opened according to law and ordinance. It shall nevertheless be lawful for the common council to order the owner or owners of ground fronting on any private alley to keep the same clean, and, if necessary thereto, to direct him or them to pave the same. (a)

Council shall not improve streets not established by law.

May direct owners fronting on alleys to pave and keep them clean.

II. The cost of grading, paving, repairing, and repaving side-walks, curbing and gutters alongside included, and of repaving the entire carriage-way, gutter included, of any street or any portion of any street; also, the cost of grading, paving, or repairing the pavements of any alley in the city of St. Louis, shall be borne by the owners of the adjoining property. (b)

Owners to pay for improving streets and repairing same.

III. The city engineer is hereby empowered, under the control of the common council, to repair and keep in repair all streets and alleys in the city of St. Louis, and to that end cause all the work to be done mentioned in the foregoing section. (b)

Engineer to keep streets in repair.

IV. In cases cases where the common council shall deem it necessary, and also in all cases where the owners of the major part of the lots or lands fronting on any paved street, or portion of a paved street, or any paved alley or portion of a paved alley, may petition for repaving the same, the common council shall cause such repaving to be done in manner prescribed by ordinance; and in those cases where the com-

Council to direct certain improvements on petition of owners of adjoining lots.

(a) Sec. 10, act March 14, 1859, p. 277.

(b) Secs. 1, 2, 3 & 4, act March 5, 1859, p. 177, as amended by sec. 15, act May 13, 1861, p. 360.

mon council shall deem it necessary, and also in all cases where the owners of the major part of the lands or lots fronting on any alley or portion of an alley shall petition for the grading and paving of the same, the common council may cause such grading and paving to be done in manner to be prescribed by ordinance: Provided, however, that the common council shall have no power to pave, macadamize, curb, or gutter, any street or alley, at the expense of property owners whose property fronts on such street or alley, unless a majority in interest on such street or alley shall consent thereto in writing, or unless the same shall be declared a nuisance by a jury of six disinterested citizens of said city: Provided, further, that such consent or declaration of nuisance shall not apply to any street or alley where two or more blocks are owned by one person, or one estate. (*b*)

A majority in interest must petition, or the street declared a nuisance.

Special tax may be levied for making side-walks.

V. The mayor and common council shall have power, by ordinance, to levy and collect a special tax on the owners or occupiers of the lots on any street, lane, or avenue, or part of any street, lane, or avenue, according to the respective fronts owned or occupied by them, for the purpose of paving or grading the side-walks on such street, lane, or avenue, provided the said special tax shall not exceed the cost of such grading, or paving, according to the respective fronts aforesaid; and, provided further, that no such improvement shall be ordered until the street in front of such improvement shall have first been planked, paved, or macadamized, in the centre thereof. (*c*)

City shall be liable for damage caused by change of grade.

VI. In the event of any alteration of an established grade of street or alley, the city shall be liable for all damages resulting from such change of grade, the damages to be assessed by a jury impanneled for that purpose, by any court of proper jurisdiction. (*d*)

Cost of improvements chargeable to property, how collected.

VII. The cost of paving, macadamizing, or otherwise

(*b*) Sec. 15, act May 13, 1861, p. 243.
(*c*) Sec. 19, act March 14, 1859, p. 219.
(*d*) Sec. 23, act March. 14, 1859, p. 220.

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opening, and the lower end of the tube is closed by a rubber stopper, through which passes a glass tube, bent at right angles, and drawn out to a point. The rubber tube connecting the glass tube with the gas-burner is provided with a pinch-cock.

Working with the Blowpipe.—The flame of the blowpipe is to be regarded as a tool which is to be used in the manipulation of glass. The glass is held in the flame and rotated between the fingers, so that it is heated uniformly on all sides. Bending, drawing out, and sealing the extremities of the tube are the principal operations which are performed.

Bending Glass Tubing.—Glass tubing is bent by heating it in the flame of the blowpipe, and rotating it between the fingers. When it begins to soften it is removed promptly from the flame, and bent to the desired angle. The tube is then heated in the flame a little farther from the bend, and bent again. This process is repeated until the desired curve is obtained. The tube is then annealed by heating it in the flame of a Bunsen burner, and allowing it to cool slowly. Unless this is done, the glass will be brittle, and will break easily. Glass tubing should never be bent at the blowpipe flame, because the glass is thinned out at the bend, and the tube is weakened. The thickness of the bend should be about the same as that of the rest of the tube. The bend should be made in the middle of the flame, where the heat is most intense. The tube should be heated uniformly for a distance of about 2 cm. on each side of the bend. The tube should be bent slowly, and the bend should be made in a single plane. The tube should be bent to the exact angle required, and should be annealed. Glass tubing may be bent to a right angle, or to any other angle, in the same way.

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STREET RAILROADS.*

Certain street railway companies confirmed in their chartered rights; guage of track established.

I. The St. Louis railroad company, the Missouri railroad company, the People's railway company, and the Citizens' railway company, as heretofore organized under the "Act to authorize the formation of railroad associations, and to regulate the same," approved December 13th, 1855, are hereby ratified and confirmed in their respective rights under said law, and the roads now built or commenced and the guage of track established by said companies are sanctioned, and said guage of four feet ten inches is hereby recognized as the legal guage of all other street railroads that may be built in the city and county of St. Louis; said companies shall conform to and be governed by said law concerning railroad associations, except as follows:

Companies not required to carry freight.

Shall report to comptroller.

1. Said companies shall not be required to carry freight.

2. The report made to the city comptroller shall be in lieu of the annual report required to be made to the Secretary of State by the laws under which said companies organized.

Companies restricted from occupying certain streets.

II. The rights confirmed to said companies shall not extend to or authorize the building by them of any road or roads on Clark avenue, Chesnut street, Pine street, Locust street, or Washington avenue, which streets are hereby reserved from such use, and all railroad tracks are forever prohibited on the streets named in this section; and in lieu of the track on Pine street, the Missouri railroad company may run the cars of their road on Eleventh and Benton streets, over the Olive street road, and the Citizens' railway company may run the cars of their roads, heretofore authorized by the council, in connection with Washington avenue, over their Morgan street road; and said companies may each construct two additional switches, and a side track not exceeding one hundred and seventy feet in length, to enable the cars to so run on Olive and Morgan streets—the switches on Morgan street may be east of the double track contemplated to be built.

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* Act January 16, 1860, p. 228.

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Shall not be constructed within certain distances from each other.

III. No street railroad shall hereafter be constructed in the city of St. Louis nearer to a parallel road than the third parallel street from any road now constructed, or which may hereafter be constructed, except the roads hereinbefore mentioned; and in consideration of the privileges herein granted, the City of St. Louis is hereby expressly empowered to impose and levy such tax and license upon said roads now constructed, or that may hereafter be constructed, as the common council of said city may determine to be just and proper, and the said city may make such municipal regulations concerning said street railroad as the public interest and convenience may require, except to reduce the rate of fare charged by said companies as now fixed by ordinance of the City of St. Louis.

City may license and tax the companies.

May change from single to double track with consent of owners on the line of the road.

IV. Any company now using a single track road, with turnouts upon any street or part of street, may change the same to a double track at any time, provided they shall first obtain the consent, in writing, of the owners of a majority in interest of the property fronting on the street or part of street desired to be so changed. But this provision shall not apply to that part of Olive street between Fourth and Twelfth streets, unless the majority in interest of that part of the street give their written consent that a double track may be constructed on said part of Olive street.

St. Louis company may extend their road to Bellefontaine cemetery and to Carondelet.

V. The St. Louis railroad company may extend their road north from Salisbury street along Broadway and Bellefontaine road to the city limits, and may further extend the same to the Bellefontaine cemetery and the Cavalry cemetery, and south from Gate street along the Carondelet road to the city limits, and may further extend said road through the St. Louis commons to or through the city of Carondelet, provided that, before such extension is made through any road or avenue outside the cities, the consent of the board of county commissioners shall be obtained, and the consent of the city council of Carondelet shall be obtained before running through any street of that city.

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Further privileges allowed to the several roads.

VI. The St. Louis railroad company may build a branch road to the fair grounds along Bremen avenue and other connecting streets, or by such other route as they may select by the consent of the common council, after first obtaining the consent of a majority in interest of the property holders on the route selected; and the Missouri railroad company may build a branch road from their terminus on Benton street, at Eighteenth street, to the fair grounds, by such route as they may select, provided they first obtain the written consent of the majority in interest of the property holders on the route selected; and the People's railway company may extend their road from St. Ange avenue along Chouteau avenue to the point where the Pacific railroad crosses said Chouteau avenue, *provided* the same is constructed within two years after the passage of this act; and the Missouri railroad company may extend their road from the junction of Olive street and Grand avenue to the king's highway, with the consent of the property owners where the road runs.

Compton Hill railway company confirmed in their privileges.

VII. The privileges heretofore granted by the City of St. Louis to Stephen D. Barlow, James B. Eads, F. L. Ridgeley, and their associates, under the name of the Compton Hill railroad company, are hereby confirmed, provided they shall organize and commence their road within six months after Lafayette avenue is graded, and complete the same within twelve months thereafter to Grand avenue, and said company may extend their road west to Shaw's botanical garden.

Gravois railway company may construct their road, with certain provisions.

VIII. The Gravois railroad company, as authorized by the common council of St. Louis, may construct their road, provided they will connect the same with the St. Louis railroad or the People's railway, at a point on or south of Park avenue, and provided further, that said road is commenced within six months, and completed within two years.

Companies not liable for injuries to persons getting on or off at the front of cars.

IX. Said railroad companies shall not be liable for injuries to persons occasioned by their getting on or off the cars at the front or forward end of the car.

Citizens' company shall not build a double track on Franklin avenue without written consent of majority of owners on line of the road.

X. Nothing in this act shall be construed as authorizing he Citizens' railway company to construct a double track oad on Franklin avenue without the written consent of a najority in interest fronting that portion of the street where uch double track may run.

MISCELLANEOUS PROVISIONS.

All corporate property vested in the City of St. Louis as hereby created.

I. All property, real and personal, heretofore belonging to the inhabitants of the Town of St. Louis, or to the trustees of said town in their corporate capacity, or to the mayor, aldermen and citizens of the City of St. Louis, or to the city council of the City of St. Louis, or to the City of St. Louis, shall be, and the same is hereby declared to be vested in the corporation hereby created. (*a*)

This charter not to invalidate certain former acts.

II. This charter shall not invalidate any act done by the mayor, aldermen and citizens of the City of St. Louis, or the city council of the City of St. Louis, or the City of St. Louis, nor divest them of any right which may have accrued to them prior to the passage of this act. (*a*)

Charter may be altered or repealed.

III. The general assembly may, at any time, alter, amend or repeal this charter. (*a*)

Declared a public act.

IV. This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this State without proof. (*a*)

Not to repeal ordinances and resolutions now in force.

V. All ordinances and resolutions now in force in the City of St. Louis, and not inconsistent with this act, shall remain in force until altered, modified, or repealed under this act. (*a*)

All suits to be in name of City of St. Louis.

VI. All suits, actions, and prosecutions, instituted, commenced or brought about by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the City of St. Louis. (*a*)

Certain actions, fines, &c., to accrue to the City of St. Louis.

VII. All actions, fines, penalties, and forfeitures, which have accrued to the common council of the City of St. Louis,

(*a*) Sec. 5, 6, 7 & 8, and 2, 3 & 4, act March 3, 1851, p. 164 & 165.

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or to the City of St. Louis, shall be vested in, and prosecuted for, by the corporation hereby created. (*a*)

City not to subscribe for stock in any corporation unless under certain conditions.

VIII. The city shall not, at any time, become a subscriber for any stock in any corporation: *Provided, however*, that the city shall have power to subscribe any amount of stock she may deem proper to any railroad to be constructed within the State of Missouri; and may issue her bonds to pay her subscriptions, for such length of time, and upon such terms and conditions, as she may deem proper, and take all steps she may think proper to protect her interest in any railroad to which she may or has subscribed any stock. (*b*)

City may purchase plank roads under certain conditions.

IX. The City of St. Louis shall purchase of the joint stock companies so much of the several plank roads included within the boundaries of the extended new limits as are owned by said companies, at such prices as may be agreed upon between the city council and the directors of said companies, and, if they cannot agree, the value of said interest shall be assessed as other property taken for public use: *Provided, however*, that so much of said roads, or any of them as are owned by the County of St. Louis, is hereby vested in the City of St. Louis free of charge. (*c*)

Sextons of cemeteries to make report of interments, when, and to whom.

X. All overseers, sextons, or other persons, who may have control of public graveyards in, adjoining, or within four miles of the City of St. Louis, shall make a weekly report to the clerk of the board of health of the City of St. Louis, of all interments during the week in the graveyard whereof they are such overseer or sexton, respectively. Said report shall specify the names and ages of the persons interred, and also the diseases of which said persons died, sex, color, and if slave or free. (*d*)

Penalty for sexton permitting interments without a physician's certificate.

XI. If any overseer, sexton, or other person, having control of a graveyard, shall permit any person to be interred in said graveyard without a certificate stating the name,

(*b*) Sec. 13, act March 3, 1851, p. 165, as amended by sec. 9, act February 23, 1853, p. 175.

(*c*) Sec. 17, act December 5, 1855, p. 196.

(*d*) Sec. 1, 2, 3 & 4, act February 25, 1848, p. 111 & 112.

age, sex, color, and if free or slave, together with the disease of which said person died, which certificate shall be signed by the physician who attended said person, he shall forfeit and pay the sum of five dollars for every such neglect, to be recovered before any justice of the peace, in the name and to the use of the City of St. Louis, at the instance of the clerk of the board of health of St. Louis. (*d*)

Penalty for sexton failing to report interments.

XII. If any overseer, sexton, or other person, fail or neglect to make to the clerk of the board of health such report of weekly interments, he shall forfeit and pay five dollars for every such failure, to be recovered as above. (*d*)

Physicians to make certificate of deaths, &c.; penalty for failing to do so.

XIII. For the purpose of carrying the above into effect, every physician who may practice medicine in St. Louis and suburbs, shall, when a patient dies under his care, make out a certificate, stating the name, age, sex, color, and if slave or free, together with the name of the disease of which said person died; and if any physician, on application, refuse to make out such certificate, he shall forfeit and pay five dollars to the use of the City of St. Louis, to be recovered before any justice of the peace of St. Louis county, at the instance of the clerk of the board of health. (*d*)

Inhabitants of St. Louis exempted from working on county roads.

XIV. The inhabitants of St. Louis are hereby exempted from working upon any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same. (*e*)

Digest of ordinances to be published.

XV. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months after the passage of this act, and a like digest within every period of three years thereafter. (*f*)

City may borrow money for any public improvement, provided the ordinance authorizing the loan shall be approved by the people at an election held to test the same.

XVI. The City of St. Louis shall have power to direct to be built, at the expense of the city, any main sewer necessary to carry out the general system of sewers adopted; and to borrow money for the purpose of making any public improvement that may be deemed necessary for the city, or of

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(*d*) Sec. 1, 2, 3 & 4, act February 25, 1843, p. 111 & 112.
(*e*) Sec. 12, act March 3, 1851, p. 165.
(*f*) Sec. 16, act March 3, 1851, p. 166.

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acquiring any property for the public use of the city, and may, if necessary to accomplish the object, issue the bonds of the city, having not more than thirty years to run; but the authority hereby given shall not be exercised unless a majority of the members elect to the board of common council shall pass an ordinance for the purpose, which shall be approved by the mayor; the sense of the qualified voters shall be taken at an election to be held for the purpose, after giving ten days' notice, in all the daily newspapers printed in the city of St. Louis, of the amount proposed to be borrowed, for what length of time, and for what purpose; and if a majority of those voting shall decide against making the loan, it shall not be made. (*g*)

City may hold property in trust for charitable purposes.

XVII. The City of St. Louis is hereby declared to be capable of taking and holding property real and personal, both within and without the city limits, given or to be given to charitable purposes, and of executing all such charity trusts in like manner as natural persons are. (*h*)

Tax deeds under sales by the city to have same force as State tax deeds.

XVIII. All tax deeds for lot or lots of land sold under ordinances of the City of St. Louis for the non-payment of taxes due said city, shall be received in like manner, and shall have the same force and effect when recorded as State tax deeds in this particular provided for. (*i*)

Township school fund to be divided, how.

XIX. All money, bonds, notes and other evidences of debt belonging to the school fund of fractional township forty-five north, range seven east, shall be divided between the board of president and directors of the St. Louis Public Schools, as trustees of the general school fund of the city hereby established, and between the county court of St. Louis county for the benefit of said fractional township outside of the city hereby established, namely, on the following basis: One-half of the funds, according to the ratio of population, and the other half according to the ratio of ter-

(*g*) Sec. 10, act February 23, 1853, p. 175.

(*h*) Sec. 1, act March 12, 1859, p. 210.

(*i*) Sec. 43, art. 5, of "Act to provide for the levying, assessing and collecting the revenue," approved November 23, 1857, p. 208.

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ritory, namely, of said fractional township included in the extended new limits of said city and of the township outside of the same, to be determined by two commissioners, who shall be appointed, one by each of the said parties, sharers in the funds, who, failing to agree, shall appoint an umpire to be chosen from the county outside of said city and township. The further management and sale of section sixteen of said fractional township shall remain with said county court in accordance with the act of the general assembly of this State, approved March 3, 1851, entitled "An act to authorize the sale of fractional section sixteen, township forty-five north, range seven east;" and after each sale of any unsold portion of said section, the fund arising therefrom shall be divided between the two parties sharers in accordance with the ratio which shall have been determined according to the succeeding provisions of this section, the county court of St. Louis county first paying all costs of management and sale of the lands, at all times to reserve a sufficient sum to pay expenses relating thereto. (*j*)

School fund shall be for the benefit of the whole city.

XX. The funds belonging to the board of president and directors of the board of public schools, before the passage of this act, shall be a common fund for the use and benefit of the whole city as hereby established. (*j*)

Bremen and the 2d municipality.

XXI. The property of the present City of Bremen, and of the second municipality, shall be vested in the City of St. Louis, and the latter shall assume the indebtedness of Bremen, not exceeding five hundred dollars, and of the second municipality, not exceeding one hundred dollars, and shall receive all sums of money that may be due to said Bremen and to said second municipality for taxes or otherwise. (*j*)

Bremen and the 2d municipality abolished.

XXII. The separate incorporations of the City of Bremen and second municipality are hereby vacated and abolished. (*j*)

Counselor to ascertain if any lands have escheated to State.

XXIII. The city counselor of the City of St. Louis in order to enable the city of St. Louis to avail itself of the

(*j*) Secs. 9, 10, 11 & 13, act December 5, 1855, p. 195 & 196.

provisions of the second section of an act entitled "An act about swamp lands in St. Louis county," be and he is hereby authorized in the name of the State of Missouri to proceed in the same manner as the attorney general is required to do by the provisions of an act entitled "An act concerning escheats," approved January 8, 1845, to ascertain whether any real estate has escheated to the State of Missouri, and said proceedings shall in all things be conducted in the manner and form prescribed in said act concerning escheats. (*k*)

Title to lands escheated to State, vested in the city.

XXIV. The title of the State to all lands which shall appear to have escheated to the State of Missouri before March 3, 1851, by any proceeding commenced and prosecuted under the provisions of this act, shall from and after judgment be rendered in favor of the State, pass to and vest in the City of St. Louis. (*k*)

No officer to contract for greater amount than sum appropriated.

XXV. No officer of the city authorized to make contracts on behalf of the city for work, or materials, shall make any such contract which shall require the expenditure of any greater sum than the amount actually appropriated by existing ordinance for such work or materials. (*l*)

(*k*) Sec. 1 & 2, act December 13, 1855, p. 202.
(*l*) Sec. 11, act March 13, 1861, p. 243.

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DIGEST OF THE ORDINANCES OF THE CITY OF ST. LOUIS.

TITLE XXXIV.

ASSESSMENT AND COLLECTION.

AN ORDINANCE TO REVISE, CONSOLIDATE AND AMEND THE ORDINANCES RELATING TO THE ASSESSMENT AND COLLECTION OF THE REVENUE.

CHAPTER 1. [REPEALED.]

CHAPTER 2. [REPEALED.]

CHAPTER 3. [REPEALED.]

CHAPTER 4. [REPEALED.]

CHAPTER 5. [REPEALED.]

CHAPTER 6. [REPEALED.]

CHAPTER 7. [REPEALED.]

CHAPTER 8. [REPEALED.]

CHAPTER 9. [REPEALED.]

CHAPTER 10. [REPEALED.]

CHAPTER 11. [REPEALED.]

CHAPTER 12. [REPEALED.]

CHAPTER 13. [REPEALED.]

CHAPTER

§ 10. Assessor may demand of every person owning or having charge of any taxable property, a list of such property; person refusing is to be assessed by the assessor, adding twenty per cent. as penalty for such refusal.
11. If owner of property unknown, assessor to apply at recorder's office for requisite information; if not obtained, to mark owner as unknown.
12. If there has been a failure to assess property for any previous year, assessor to assess the same.
13. President to superintend the manner in which assessments are made, &c., and devote the whole of his time to the discharge of his duties.
14. Interpreter to be employed, when.
15. Board of assessors to make a joint return to auditor, when.
16. Court of appeals, how and when called; notice to be given.
17. Appeals may be made in writing, with specific statement of grounds of appeal.
§ 18. Duty of court of appeals.
19. When appeals are adjusted, the president shall certify them to the auditor.
20. Auditor to extend lists; assessor to make out bills and deliver to auditor; auditor to deliver same to respective collectors and take receipt therefor.
21. Error in extension to be corrected by auditor.
22. President of board to attend court of appeals, furnish information, make and correct plats, &c.
23. How error in quantity of real estate and assessment of personal property to be corrected.
24. Collectors to report to president changes of owners of real estate.
25. Term of office.
26. President may employ clerk of the board; if additional clerks are required, may be appointed temporarily; how; their compensation, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. At the first stated session of the common council in each year, it shall be the duty of the mayor to appoint, by and with the consent of the board of common council, five competent men as assessors, each of whom shall have resided in the city at least five years next preceding their appointment, and at least one year in the district from which they shall be selected; and the persons so appointed shall constitute a board of assessors, one of whom shall be president of said board, and appointed as such, and they shall be selected as follows: one from the first or second ward, one from the third or fourth ward, one from the fifth or sixth ward, one from the seventh or eighth ward, and one from the

ninth or tenth ward; this section not to take effect until the first day of June, eighteen hundred and sixty-one.

SEC. 2. The president of the board shall enter upon the discharge of his duties on the first Monday of September in each year; the other four assessors shall enter upon the discharge of their duties on the first Monday of October.

SEC. 3. The president of the board of assessors shall, on and after the first Monday in October in each year, proceed to prepare and correct the plats of the city; and shall, immediately after the passage of this ordinance, procure from the recorder of the county of St. Louis an abstract of all transfers of property within the city filed and recorded from the day of the date of the taking and completion of the last city assessment, and enter the same alphabetically in a suitable register to be kept in the assessor's office as a record therein; the names of the purchaser and vender to be suitably columned, the date of the transfer, the description of the property, the amount of the consideration, with such brief remarks in the last marginal column as in the president's view may be necessary and useful; he shall change the plats of the city to correspond with such conveyances, and make such other preparations as will enable the board of assessors to proceed to assess the property within the limits of the whole city on and after the first Monday of October following, as hereinafter provided; he shall also, by advertisement in two English and one German newspaper of this city, request all persons who may own or have charge of any real estate in the city, to call at his office at the city hall, and give a correct description of such property; he shall also certify to the city auditor the number of abstracts procured from said recorder, as aforesaid, and also the amount of said advertising, to be paid out of the appropriation [for] contingencies. No assessment shall be made by any assessor of real estate in the city of St. Louis in the name of any person whose name does not appear from the records of the county of St. Louis as the owner of such real estate.

SEC. 4. On the first Monday of September in each year, the city auditor shall deliver to the president of the board of assessors, the entire preceding assessment lists of the city, which lists shall be returned to the auditor within six months.

SEC. 5. The board of assessors shall, on the first Monday of October succeeding their appointment, proceed to examine and assess all property within the city subject to taxation at its cash value, the value of all real estate to be determined by a majority of the assessors; and shall make out, in suitable books, one from each ward, (two of which books shall be made out by each of the assessors,) a list of all such property, and of persons chargeable with a poll tax, describing in separate columns the property, and where the same is real estate, giving the quantity, metes and bounds thereof, and the value of the ground and that of the improvements separately; and shall charge all personal property to the owner, according to the rate where located, with his real estate, if he has any; and when real estate is leased, the owner thereof shall be authorized to list with the assessors in such proportions as it is leased.

SEC. 6. Said lists shall be arranged by blocks, according to their numerical order on the city map in the city engineer's office; and opposite the name of each person who pays a poll-tax shall be stated the street and number of the house in which such person resides, if the same be numbered, otherwise such designation as will enable the collector readily to find the person; and each list shall be made out in a separate book for each ward, as shall also the census of the city; and the lists shall be so arranged as to distinguish the property and other taxes in the old, new, and new extended limits of the city separately.

SEC. 7. The president of the board of assessors shall, in assessing property, determine as to the portions of the city which the assessors shall attend to in discharging their duties; and each assessor shall be responsible for a correct assessment of the personal property, and also a correct list of

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the real estate in the two adjoining wards apportioned to him to assess.

SEC. 8. The board of assessors shall, after they have each separately assessed all the personal property as aforesaid, and examined the real estate and listed the same with the owners thereof, proceed jointly to assess all the real estate in the city, the value of which [is] to be determined on the premises by a majority of the assessors in case of disagreement.

SEC. 9. The value of the improvements, buildings, manufacturing establishments and their machinery, and so forth, shall be fixed and determined by the assessors.

SEC. 10. Either of the aforesaid assessors is authorized to demand of every person owning or having charge of any taxable property, as agent, guardian, curator, trustee, or otherwise, a list of such property, with such description as will enable him to list and assess the same; and if any person refuse to show the assessor, when called on, all such taxable property, then the assessor shall proceed to assess the same according to his best judgment, and shall add twenty per cent. to said assessment as a penalty for such refusal.

SEC. 11. If either of the assessors find property within the city, the owner of which is unknown, he shall apply at the county recorder's office for the requisite information, and take such other measures as may be in his power to obtain the same; failing in which, he shall mark the property as that of an owner unknown.

SEC. 12. If any of the assessors shall discover any taxable property which has not been assessed in any previous year, the same shall be assessed for each year in which it was not assessed, at the value thereof when the same should have been given in, and the assessor shall note the same upon his books.

SEC. 13. The president of the board of assessors shall exercise a general superintendence and direction over the manner in which the assessment shall be made, and also the making out of the books, or lists of property as aforesaid, which shall

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be made out at his office at the city hall, and each assessor shall devote his whole time to the discharge of his duties until the assessment is finished, and returned as hereinafter provided.

SEC. 14. Each assessor, when necessary in making the assessment, may employ an interpreter, by and with the written consent of the comptroller, but not otherwise, who shall be sworn faithfully and truly to interpret in all cases where his services may be necessary.

SEC. 15. It shall be the duty of the board of assessors to make a joint return to the city auditor, on or before the first day of April of each year, of the whole assessment of the property in the city.

SEC. 16. Upon the receipt of the assessment lists as aforesaid, the city auditor shall notify the mayor thereof, who shall thereupon call a meeting of the board of common council, to hear and determine all appeals from the assessment, and to correct all errors that may be found in the lists, and to give notice in the papers doing the city printing of the time and place of meeting of said board, at least ten days prior to the meeting of the same.

SEC. 17. All persons who feel themselves aggrieved by the assessment of their property may appeal to the said board of common council, sitting as a court of appeals, and every appeal shall be in writing, and shall state specifically the grounds of the appeal, and the matter or the thing complained of; and no other matter shall be considered by the board.

SEC. 18. The board of common council, sitting as a court of appeals, shall hear and determine all appeals in a summary way, and correct any error that they may discover in the assessment lists, and place upon such lists any assessable property not already listed, and may increase or diminish any assessment as they see fit.

SEC. 19. When the said court of appeals shall have corrected and adjusted the lists, the president thereof shall certify the same, and cause them to be delivered to the city auditor.

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SEC. 20. Upon the receipt of such lists, the auditor shall extend the same, and enter in an appropriate column the amount of tax due from each person. He shall deliver the books to the respective assessors, who shall immediately make out the tax bills for their respective districts, and deliver the same to the auditor, with a certificate that the bills so made out are a true transcript from the assessor's books, and the auditor shall immediately deliver to each collector all accounts for taxes in his ward, and take their respective receipts for the aggregate amount delivered to each, and charge the same to them respectively.

SEC. 21. Any errors in the extension of such lists, which may at any time be discovered, may be corrected by the auditor, and new accounts for taxes delivered to the collector, either before or after the payment of the erroneous account; as shall also, in case of any errors corrected, as hereinbefore mentioned.

SEC. 22. The president of the board of assessors shall attend the sessions of the court of appeals, and furnish all the information he can to the said court relative to the property in any assessment from which there may be an appeal, as well as upon all subjects appertaining to his office, or upon which the said court may desire information; and shall, when not otherwise employed, correct the plats of the city in his office, connected with the assessments; and, when necessary, make out new ones, and mark the subdivisions and the names of the owners of the property thereon. He shall, also, when requested by the common council, make out a list of all real estate which may be in arrears to the city for taxes, and, if necessary, ascertain the owners of the property at the time of making out said lists; and do and perform such other duties, not interfering with the stated duties of his office, as the common council may direct.

SEC. 23. Any errors in the assessment as to quantity existing in the assessment list after the adjournment of the court of appeals, may be corrected by the president of the

board of assessors, by and with the consent of the city comptroller; and any errors in the assessment of personal property may be corrected as aforesaid, the party so erroneously assessed filing an affidavit with the city comptroller, stating the facts and all particulars in relation to such erroneous assessment; whereupon the comptroller shall notify the city auditor, who shall issue new accounts to correspond with such correction, to the collector of the ward in which the same may be made.

SEC. 24. It shall be the duty of the collectors of revenue to report to the president of the board of assessors all changes of ownership in real estate which may come to their knowledge during the time they are collecting the real estate taxes; whereupon he shall correct the plats of the city connected with the assessment accordingly.

SEC. 25. Each assessor shall hold his office for one year, or until his successor is appointed and qualified, or until otherwise provided by the common council, or unless sooner removed by the mayor, for inability or non-performance of his duties, as hereinafter stated.

SEC. 26. The president of the board of assessors is authorized to employ a suitable person to act as clerk of the board, and whenever an additional clerk or draughtsman is needed in the assessor's office, application therefor shall be made by the president of the board to the mayor and comptroller, who, upon being satisfied of the necessity of the same, shall, by authority, in writing, authorize the President to employ such needful clerk or draughtsman. Such authority shall state the time for which such employment shall last, and the amount of salary, which shall not exceed eighty-three and 33-100ths dollars per month; and no clerk or draughtsman shall be deemed hired, or in the pay of the city, until his appointment by the president shall be countersigned by the mayor and comptroller; and the pay rolls of such clerk or draughtsman shall be made out and certified to by the president, and countersigned by the mayor and comptroller, before the same are audited.

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ARTICLE 11.

Census.

§ 1. When the census of the city to be taken.
2. Additional census taken to be appointed.
3. List of census taken to be published; president to furnish them with books, &c., to be returned with affidavit.
4. Census to be taken in separate books; books how arranged, what to be entered therein.
5. Other statistics to be entered in said books.
§ 6. Number of buildings to be returned, of what composed and how used or occupied.
7. Heads of families to be enumerated, and what kind of buildings they occupy.
8. Books to contain compilation and aggregate of population, &c.
9. Return to be sworn to.
10. Auditor to lay returns before council. .

SECTION 1. The census of the city shall be taken in the month of December, eighteen hundred and sixty-four, and during the same period of time every four years thereafter.

SEC. 2. When the census is to be taken it shall be the duty of the mayor to appoint a sufficient number of persons, whose names for each ward shall be recommended by the delegation of the ward, who shall, under the superintendence and direction of the president of the board of assessors, proceed to take the census of the city in a period of time not exceeding two days, which days shall also be fixed by the mayor.

SEC. 3. A list of such census takers shall be published by the president of the board of assessors at least ten days previous to the time for taking the census, stating the number of the block or blocks for which they are appointed, and requesting them to call at the office of the president of the board of assessors to receive the necessary papers and instructions. The president of the board of assessors shall furnish each census taker with a sufficient number of blank sheets, on which shall be printed the same columns and headings which the census books are required, by this ordinance, to contain, on which sheets they shall take the census, [and] return the same to the office of the president of the board of assessors, with an affidavit to it as hereinafter provided.

SEC. 4. The president of the board of assessors shall cause the census to be copied into separate books, one for each ward, which shall be made out by blocks numerically, as provided in article 1, section 7 [6], of this ordinance; and he shall enter in separate columns, the number of white males, white females, free male persons of color, free female persons of color, male slaves, female slaves, and in separate columns the number of each of said classes of persons under five years of age, over five and not exceeding ten, over ten and not exceeding fifteen, over fifteen and not exceeding twenty-one, over twenty-one and not exceeding forty-five, over forty-five and not exceeding sixty, and all over sixty years. Also the number of white children over fourteen years of age and not exceeding eighteen, who cannot read and write, and the number of white children over seven and not exceeding twelve years of age, who do not attend some school or place of instruction at the time of taking such census.

SEC. 5. The takers of the census shall also register, in separate columns in said book, the names of all persons in their respective districts, in the blocks where such persons may reside, the name of every merchant, trader, grocer, auctioneer, broker, inn-keeper, tavern, dram shop, tippling house, beer house, coffee house, attorney at law, physician, mechanics, laborers, rivermen, bricklayers, children going to any school, number of Americans, Germans, English, Irish, French, and all other nations; Americans over twenty-one, naturalized foreigners over twenty-one, foreigners over twenty-one years who have their first papers, foreigners over twenty-one who have no papers.

SEC. 6. The census takers shall also ascertain and return with the census the number of buildings, exclusive of outhouses, situated on each block, specifying in each case the materials of which the building is composed, the number of stories contained in it, and the purpose for which it is used.

SEC. 7. They shall return the names of the heads of families, and all persons enumerated separate from any family; and under the name of the head of any family shall be enu-

merated all persons of the household, whether residing there as boarders or otherwise, provided they be residents of the city; and opposite the name of each person or head of a family shall be stated the kind of building they occupy.

SEC. 8. The return of the census shall show separately in blocks the addition of each column, which shall be forwarded and recapitulated in aggregate in the back part of each of said books, and said recapitulation must show the aggregate population of each particular age, sex or color, and also the aggregate of each kind of buildings, merchants, grocers, and so forth, as hereinbefore stated.

SEC. 9. After the census takers have completed their work, they shall each file an affidavit with the register that they have, to the best of their knowledge and ability, made an accurate return of every man, woman [and] child in the city, and that they have reported no more.

SEC. 10. The city auditor, on the return of said books containing the census taken [as] aforesaid, shall lay the same before the common council at the first meeting thereafter.

Approved, July 5, 1861.

(No. 4814.)

AUCTIONEERS.

AN ORDINANCE TO LICENSE AND REGULATE AUCTIONEERS.

ARTICLE I.

§ 1. Who deemed an auctioneer.
§ 2. Auctioneers to be licensed.
§ 3. Amount of license; auctioneers to give bond.
§ 4. Duty upon auctioneers' sales.
§ 5. Quarterly statement required from auctioneers.
§ 6. Penal section.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Whoever shall sell or offer to sell any goods, wares, merchandise, or other personal property, or any real estate, or any interest therein, at any store, stand, or other

place in the City of St. Louis, at public outcry, whether the same shall be exempt from auction duty or not, for his own gain, or shall advertise, or in any other way hold himself out as an auctioneer for public patronage, and shall receive fees as a commission for his services, is hereby declared to be an auctioneer.

SEC. 2. No person shall exercise the business or trade of an auctioneer, or sell any property at public auction or outcry, without a license therefor, first had and obtained.

SEC. 3. Licenses shall be granted by the several collectors in their respective wards to any person applying therefor, on payment of the sum of seventy-five dollars, which license shall continue in force for the period of six months, provided such applicants shall execute a bond with two or more responsible securities approved by the collector, in the sum of five hundred dollars, conditioned for the faithful observance of this ordinance.

SEC. 4. All sales, whether at auction or otherwise, made by such licensed auctioneers, shall be subject to a duty of one-fourth of one per centum, excepting only such as are exempt from duty under the laws of the State, and sales of real estate.

SEC. 5. At the expiration of every three months from the date of such license, the collector shall demand of such licensed auctioneer a written statement of the amount of sales made by him or them, at any place, except the sale of real estate, during the preceding three months, exclusive of the sales referred to in the fourth section, as excepted, which said statement shall be verified by the oath of such auctioneer, who shall then pay to said collector the one-fourth of one per centum of the amount of such sales, which statement shall be duly filed with the register; upon failure or neglect of such auctioneer to make such statement and payment within ten days after such notification, the license of such auctioneer is, and shall be thenceforth forfeited.

SEC. 6. Any person or persons violating the provisions of this first article, shall be subject to a fine of not less than

one hundred dollars, nor more than five hundred dollars, for every offense, to be sued for and recovered as in other cases of breaches of ordinances.

ARTICLE II.

Horse Auctioneers.

§ 1. Who authorized to establish horse markets.
2. Horse auctioneers to take out license.
3. Amount of license.
4. Live stock not to be sold on the streets.
5. Horse auctioneers to give bond.
6. Penal clause; duty of police and street inspectors.

SECTION 1. That any person or persons who shall comply with the requirements of this second article, are hereby authorized to establish and keep a public horse market at any place within the City of St. Louis, (provided it shall not be in the streets of the city,) for the sale of horses and other live stock, and also for buggies and carriages of all descriptions, at public auction.

SEC. 2. Before any person shall avail himself of the first section of this article, he shall take out a license for that purpose.

SEC. 3. The license for the privilege hereby authorized shall be one hundred dollars per year, payable as in cases of other licenses.

SEC. 4. From and after the passage of this ordinance, no horses or other live stock shall be sold upon the streets at public auction.

SEC. 5. Every person licensed as a horse auctioneer as aforesaid, shall give bond with two good securities, in the sum of two thousand dollars, conditioned for the protection of any person entrusting horses or other stock to said auctioneer, for sale, and to guard the public against fraud or misrepresentation on the part of said auctioneer.

SEC. 6. Any person found violating any portion of the foregoing section of this second article, shall be subject to a fine not less than ten nor more than fifty dollars, and it shall be the duty of the city police and street inspectors to report any such persons.

Approved, January 20, 1859.

(No. 4741.)

CITY COMMON.

AN ORDINANCE RELATING TO THE CITY COMMON.

§ 1. Mayor authorized to correct errors in deeds to lots in common.
2. Deed correcting error must recite certain facts in previous sale.
3. Certain requirements in corrected deed.
4. Additional deeds of trust to be executed.
5. Mayor may supply the place of lost deeds.
6. Mayor to execute deeds of release.
7. Mayor or comptroller may acknowledge satisfaction of deeds of trust.
§ 8. Mayor and fund commissioner may enforce collections due the sinking fund.
9. Comptroller shall attend public sales; his duties.
10. Lots and real estate notes belonging to sinking fund to be turned over to fund commissioner.
11. Expenses of sale to be paid from sinking fund.
12. Board of city common abolished.

Whereas, it appears that several of the lots sold and conveyed to purchasers of common lots at the different public sales of lots in the different subdivisions of the city common, made by virtue of ordinance No. 3126, on the seventh day of June, 1854, and at different public sales of lots in said subdivision made subsequent thereto, are not fully, and accurately, and satisfactorily described in some of the deeds made by the City of St. Louis to the parties purchasing; and whereas, several of the lots sold and intended to be conveyed, are erroneously described on the deeds delivered to the parties who have purchased Now, therefore, in consideration of the facts above recited and represented in behalf of some of the parties who have purchased lots as aforesaid, are true,

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The mayor is hereby empowered and directed to correct any mistakes and errors in deeds which have been executed by the City of St. Louis, and delivered to parties

who have purchased lots in the several subdivisions of the city common, made in pursuance of ordinance No. 3126.

SEC. 2. The deed correcting or intending to correct the defect or mistake in any former deed which shall have been delivered to the party purchasing, shall recite the ordinance under which the sale and deed was made, the name of the original purchaser, the price at which the property was sold, the date and where recorded, and shall further state the defect, error or mistake in the original deed, reciting as minutely as possible the reasons why said second deed is made.

SEC. 3. Every deed made as aforesaid by the mayor shall be certified over the signature of the comptroller and the land commissioner, and their certificates shall state that the facts set forth and recited are correct, as the same appears from the records in their respective offices, and in the office of recorder of deeds in the county of St. Louis, upon special examination made in reference thereto; and the said second deed or deeds can be safely executed by the mayor, and be delivered to the grantee therein named, without detriment to the city's interest.

SEC. 4. The mayor shall require additional deeds of trust to be executed by the grantee in said second deed, to secure the notes executed for the deferred payments under the original sale, as soon as he shall have executed and delivered to such grantee a second deed, conformably to sections first, second and third of this ordinance.

SEC. 5. The mayor is further authorized to execute new deeds for lots sold in said common, where deeds already made have been delivered and lost, without having been first recorded in the proper office for recording deeds in St. Louis county, and where the deeds of trust for the purchase money for the same premises have been recorded.

SEC. 6. The mayor be and he is hereby authorized and directed, upon the application of any purchaser or purchasers of real estate from the city, who may have disposed of the same, to execute a deed or deeds of release therefor, or any portion thereof, provided the subsequent holder or hold-

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ers of said real estate shall execute and deliver to the mayor a deed of trust for the amount released, having the same time to run, and with the same rates of interest, and which shall include the property so released; and provided further, that the city, in no case whatever, pay any cost.

SEC. 7. Whenever any debt or demand due the City of St. Louis, and secured by deed or deeds of trust, shall be paid or satisfied, the mayor or comptroller of the city shall have the power to execute, in the name of and in behalf of said city, a release of the same and of the trust so created, or to acknowledge satisfaction on the record of such deed or deeds.

SEC. 8. Whereas, the City of St. Louis has disposed of large amounts of real estate in the city common, and where. as, many notes given for part of the purchase money of the lots so sold remain due and unpaid, and are subject to be sold according to the terms of the deed of trust given by purchasers; the comptroller of the City of St. Louis, acting in conjunction with the fund commissioner of the City of St. Louis, whenever the notes so secured belong to the sinking fund, is authorized to proceed at such time, and from time to time, as he may deem advisable for the interests of the city, to enforce the collection of all or any of the notes which now may be, or at any time hereafter may become due and remain unpaid, either by the action at law upon said notes, or by sale of the lots embraced in the deeds of trust under the provisions of such deeds of trust.

SEC. 9. It shall be the duty of the comptroller to attend all public sales made, as above provided, for the purpose of protecting the interests of the city, and to that effect it shall be the duty of the comptroller in all cases to bid up the property at such sale to an amount which will cover the cost of sale and balance due on account of the purchase money of the lots brought to sale; and to carry out this purpose, the comptroller is authorized to bid in the property to the city.

SEC. 10. In all cases where sales are made as aforesaid to enforce the collection of notes belonging to the sinking fund,

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and at such sales the lots securing such notes are, as above provided, bid in by the comptroller for the city, the lots so purchased for the city shall be held as part of the sinking fund, and the deeds for said lots, made to the city, shall express that they are for the sinking fund; and the proceeds of said lots and land, when sold by the city, shall be turned over to the fund commissioner, to be by him disposed of as a part of the sinking fund.

SEC. 11. The cost and expenses attending the sales of lots securing notes belonging to the sinking fund, where such lots are bid in for the city, shall be paid by the fund commissioner out of money in his charge belonging to the sinking fund; but before such costs and expenses shall be paid, the amount of the same shall be paid and allowed by the comptroller.

SEC. 12. So much of ordinance No. 3126 as relates to the board of city common is hereby repealed.

Approved, November 5, 1860.

(No. 4739.)

CITY COUNSELOR AND CITY ATTORNEY.

AN ORDINANCE IN RELATION TO THE CITY COUNSELOR AND CITY ATTORNEY.

ARTICLE I.

City Counselor.

§ 1. Qualification of counselor; term of office.
2. Duties of counselor.
3. To report to comptroller concerning suits.
§ 4. Assistant counsel may be employed at the discretion of the mayor and council.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A suitable person, who shall have been a resident of this city, and licensed to practice law in the courts of this State two years before his appointment, shall be appointed city counselor, and shall hold his office for one year.

SEC. 2. It shall be the duty of the city counselor:

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1. To prosecute and defend all suits and actions originating and pending in any court of record in this State (except cases repealed from the recorder's court) to which the city is a party, or in which, in the opinion of the mayor, the interests of the city are brought into controversy, or in which the official acts of any of its officers or agents are involved.

2. To advise the common council, or their committees, or any city officer, in such legal questions as may arise in relation to the business of the city; to draw up any bill or ordinance that he may be called upon to draw by any committee of the board of common council; and to give any such committee his opinion in writing upon any and all questions of law submitted to him. He shall also personally attend any meeting of any committee of the council, when required by such committee to do so, and shall keep his office in or as near as possible to the city hall.

3. To perform all such other services, in the line of his profession, connected with the business of the corporation as are not comprised in the duties of the city attorney.

4. To keep a record of all legal opinions officially given by him in writing, with the request therefor, and an index thereto, and an account book showing all claims placed in his hands for collection, all moneys received by him on account of the city, and all payments to the city treasurer.

5. To keep a book, or docket, in which he shall enter an abstract of all suits pending, and judgments, in favor or against the City of St. Louis, in tabular form, substantially as follows: Names of parties; suits, when brought; in what court; nature of action; names of witnesses; proof, et cetera, for the city; what steps taken at last term; what preparatory steps necessary before the next term; cause of continuance at last term; amount of judgment; date of judgment; date of execution; to what office delivered; when returnable; judgment, how satisfied; remarks, et cetera—which book or docket shall be delivered by him to his successor in office.

6. To settle at the end of each quarter with the auditor; and

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7. To prosecute and appeal, on writ of error, in any case in which the city is concerned, when he shall see proper, and to make the necessary affidavits therefor; and in all cases of appeal, the mayor is authorized to procure, in behalf of the city, such securities as may be required by law; and the mayor and such securities as may execute any appeal or other bond, in behalf of the city, shall be kept harmless by the city therefor.

SEC. 3. Within five days after the adjournment of each term of any court of record, in which any suit or suits may be pending, in which the city is a party, or interested, the city counselor shall report to the comptroller the names of the parties to any such suit or suits; when brought; in what court; nature of the action; names of the witnesses; proof, et cetera, for the city; what steps were taken at the last term; what preparatory steps before the next term; cause of continuance, if continued, and such other information as in the opinion of the city counselor may be for the interest of the city, or such as he may be required to furnish by the mayor or comptroller of the city.

SEC. 4. Assistant counsel may be employed in any case at the discretion of the mayor or common council.

ARTICLE II.

City Attorney.

§ 1. Duties of city attorney.
2. City attorney to report judgments to comptroller.
§ 3. Counselor or attorney may appoint substitute; when.

SECTION 1. It shall be the duty of the city attorney:

1. To prosecute, before the recorder or justice of the peace, all actions on behalf of the city, and defend, before those officers, all actions against any officer, servant, or agent of the city, on account of his official acts.

2. To attend to the prosecution of all cases in behalf of the State, brought before the recorder.

3. To prosecute or defend in any court of record any suit or action originating there, when required by the mayor.

4. To take an appeal or writ of error on behalf of the city,

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with consent and approval of the comptroller, and make the necessary affidavits therefor, and execute the necessary bond in the name of the city.

5. To attend in appellate courts to all appeals or writs of error in any case originating before the recorder or justices of the peace.

6. To advise the city council or their committees, or any city officer, as the city counselor is required to do.

SEC. 2. The city attorney shall, in like manner, report to the comptroller all suits and judgments in favor of or against the city, in any court of record, which it is the duty of the city attorney to prosecute or defend; and he shall make also quarterly reports to the comptroller of all unsatisfied judgments, their date and amount, recovered in favor of the city before the recorder or any justice of the peace.

SEC. 3. Either of said officers, in case of his temporary absence from the city, sickness, or inability to attend any court, may, at his own expense, with the approbation of the mayor, appoint some person to act in his stead, for the occasion, in city cases; and when either, before assuming his office, shall have been retained as counsel adversely to the city in any case to which it is his duty to attend on behalf of the city, he shall inform the mayor thereof, who shall appoint another person to represent the city in such case.

Approved, November 5, 1860.

(No. 4740.)

COMMON COUNCIL.

AN ORDINANCE IN RELATION TO THE BOARD OF COMMON COUNCIL.

§ 1. Council to meet for organization and to instal mayor elect: when
2. Stated sessions of the board; to convene as a court of appeals; when.
3. Notice required for called sessions.
§ 4. Officers of board to be elected; duties of clerk.
5. Ordinance, how to become valid when mayor neglects to approve.
6. Bill passed after mayor's objection, to be certified by clerk.

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§ 7. Sergeant-at-arms to be elected; his duties.
8. Sergeant-at-arms may employ a messenger; his compensation.
9. Certain standing committees to be elected.
10. Resignations of members; to whom addressed.
§ 11. Mayor to be notified of vacancies; new election to be ordered in certain cases.
12. No member to vote for or against any bill in which he is pecuniarily interested.
13. Bill passed by aid of such vote to be illegal.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The board of common council shall meet on the first Saturday after the first Monday in April, in each year, for the purposes of organization, of electing the officers and such standing committees of the board as are required to be elected by ballot, and of settling up the accounts of the treasury department for the previous fiscal year. And should there have been an election for mayor on the preceding first Monday in April, shall make provisions for the installation of the mayor elect.

SEC. 2. The stated sessions of the board of common council shall commence on the second Mondays in May and October, in each year, at three o'clock P. M., at the city hall. And said board shall also, upon the call of the mayor, convene for the purpose of sitting as a court of appeals, on the annual return of the assessment lists.

SEC. 3. Five days' public notice of called sessions shall be given by the mayor, in the newspapers employed by the city.

SEC. 4. The board shall, at its first regular session, elect, by ballot, a president, and a president *pro tem.*, and also a clerk, whose duty it shall be to attend the sittings of the board, to keep the record thereof, and preserve, file and mark the papers thereof.

SEC. 5. If a bill becomes an ordinance by the neglect of the mayor to approve the same in proper time, the clerk of the board shall forthwith deliver the enrolled copy thereof, with a certificate thereon of such neglect, to the register.

SEC. 6. If a bill becomes an ordinance notwithstanding

the mayor's objections, the clerk shall certify on the enrolled copy thereof the fact of its passage in the board, and shall deliver the same to the register.

SEC. 7. There shall also be elected, by ballot, at the first called or stated session, a sergeant-at-arms, whose duty it shall be to attend all sittings of the board of common council, and of the board of health; to keep the hall of the board swept and clean, and provide fires, lights, and all other necessary articles therefor; to carry messages for the mayor, register, treasurer, comptroller, auditor, engineer, superintendent of water-works, and for the clerk of the board of common council, and keep their rooms and the room of the clerk of the board of health swept, and supplied with fuel and other necessary articles; to keep regular accounts of all expenditures by him for fuel and lights, and other necessary articles for the use of the board of common council or board of health, and make quarterly reports of such expenditures to the city auditor; and to occupy a room in the city hall, and have the general care and custody of the second and third stories thereof.

SEC. 8. The sergeant-at-arms is authorized to employ a messenger, to be subject to his orders, and to aid and assist him in the discharge of the duties of his office. [*Balance of section repealed.*]

SEC. 9. There shall also be elected at the same time, and in the same manner, three standing committees, consisting of three members each, to represent the City of St. Louis in the Pacific railroad company, in the North Missouri railroad company, and in the Iron Mountain railroad company; and such committees are authorized to cast the vote to which the city may be entitled in said several railroad companies, as a majority of each of them shall decide, and generally to use all proper and lawful means to guard and protect the interests of the city in the premises. Also, a board of managers of the workhouse, a committee on gas-light, a committee on house of refuge, and a committee on fire alarm telegraph, consisting of three members

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each, excepting the committee on house of refuge, which shall consist of four members. Also, a board of fire engineers, and a board of health, consisting of five members each. Also, a sewer committee, to consist of five members of the common council, one from the first and second wards, one from the third and fourth wards, one from the fifth and sixth wards, one from the seventh and eighth wards, and one from the ninth and tenth wards, and the delegation of every two wards shall designate the member of the committee, who shall hold their office during the term for which they were elected, and the annual vacancies occurring in the sewer committee shall be filled at the first meeting of the council in each fiscal year. In event that the delegations of any two wards shall fail to elect a member of the sewer committee, then from the delegations of the two wards shall be elected by ballot by the council a member of said committee. Also, a water-works committee, to consist of five members, representing different wards. Also, a committee of four persons to be entitled the Washington square and Missouri park board of improvements, two of whom shall be members of the council, and two selected from persons living in the vicinity of said public grounds, which said committee shall perform such duties as are prescribed and required of them by ordinance.

SEC. 10. Resignations by members shall be addressed to the presiding officer of the board.

SEC. 11. If a vacancy occur in the board, the presiding officer shall notify the mayor thereof, who shall order an election to be held to fill the same. In event that such vacancy shall occur ninety days before a general election for members of the council, then the mayor shall order an election within ten days from the occurrence of such vacancy.

SEC. 12. No member of the board of common council shall be permitted to vote for or against any bill in anywise appropriating money, or approving a contract, in

which said member is directly or indirectly interested pecuniarily.

SEC. 13. Any bill having passed by the vote of such interested member, shall be declared illegal and of no effect.

Approved, November 5, 1860.

(No. 2394.)

COMMON SEAL.

AN ORDINANCE IN RELATION TO THE COMMON SEAL OF THE CITY OF ST. LOUIS.

§ 1. Description of seal.
§ 2. Register to be keeper of; impression to be attested.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That the common seal of the City of St. Louis shall be of circular shape, one inch and a half in diameter, with a device engraven thereon of a steamboat, carrying the flag of the United States, surrounded by a scroll inscribed with the words, "The common seal of the City of St. Louis," in Roman capitals, engraved upon the face thereof.

SEC. 2. The city register shall be the keeper of the common seal of the City of St. Louis, and any impression of said seal to any contract or other writing shall have no validity or binding obligation upon the city unless such impression be accompanied by the attestation and signature of the city register, and then only in cases authorized by law or the ordinances of the city.

Approved, April 1, 1850.

(No. 2346.)

CONTRACTS.

AN ORDINANCE IN RELATION TO LETTING OUT CONTRACTS.

§ 1. Advertisement of letting of contracts to contain certain conditions.
§ 2. Sufficiency of bonds, how determined; no bid to be valid unless bond sufficient.
3. Bonds to be cancelled, when.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That whenever any of the city officers advertise to let out any contracts to the lowest and best bidder, they shall insert in said advertisement the following: "No bid will be received unless the person or persons offering to take the said contract shall enclose in their proposal the obligation of himself and one responsible person, binding themselves to pay to the City of St. Louis the sum of two hundred dollars in case the said bidder or bidders shall refuse to take the contract at the price of their bid, in case the said contract shall be awarded to them."

SEC. 2. The officer or officers letting out the contract shall judge of the sufficiency of such bonds, and no bid shall be regarded by him or them as valid if the bonds shall be deemed insufficient.

SEC. 3. All bonds that may accompany bids under this ordinance shall be cancelled and given up to the respective bidders whenever the contract with any one of them shall be closed, and he shall have given bonds for the performance of said contract.

Approved, February 11, 1850.

(No. 3610.)

D O G S.

AN ORDINANCE CONCERNING DOGS.

§ 1. Dogs not permitted in the city unless registered and taxed.
2. Amount of tax.
3. Register to keep list of dogs, and furnish stamps for collars, &c.
4. Dogs to have collars of certain description.
5. Dogs without collars to be impounded by police and marshal.
6. Householders not to permit on their premises dogs unregistered and without collars.
7. Householders neglecting this provision to be reported to recorder.
8. Persons permitting dogs not registered to remain about premises, and owners of dogs not registered, to pay fine and tax.
9. Householder may be absolved from liability by producing dog to officer and killing him in his presence; scalp to be delivered to register.
§ 10. Compensation for taking up dogs.
11. Duty of marshal to kill dogs without owners or collars; dogs shall not be poisoned except at the pound; penalty.
12. Penalty for violation of this ordinance.
13. Police shall kill every female dog when in heat, and owner of such dog shall pay a fine.
14. No dog redeemed from pound unless registered and furnished with collar.
15. Penalty for taking up dog when collared and for bringing into city dog for purpose of impounding, &c.
16. Fierce and dangerous dog permitted to go at large, owner fined.
17. Meaning of the term "dog."
18. This ordinance in force during whole year, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. No dog above the age of six months shall be permitted to be and remain within the limits of the City of St. Louis as now fixed by law, unless the owner thereof shall have caused such dog to be registered, and the tax on such dog imposed by this ordinance to be paid.

SEC. 2. The tax on every male dog within the City of St. Louis shall be fifty cents per annum, payable to the city register for the use of the city, and [the] further sum of fif-

teen cents, payable to the city register for his own use. For every female dog, the tax payable to the city register, for the use of the city, shall be one dollar per annum, and the sum of fifteen cents for the use of the register.

SEC. 3. The city register shall enter in a book, kept for that purpose, a descriptive list of the dogs registered under this ordinance, on which the owners shall pay the tax imposed by the second section thereof, and shall either stamp any metallic collar, produced to him by such owner, with the letters C. T. P., and the figures indicating the year for which the tax has been paid, which shall be for the year beginning with the first day of May of the year indicated by such figures, or, at the option of the owner, shall stamp said letters and figures on a circular piece of metallic plate, not exceeding one inch and a half in diameter, or less than one inch.

SEC. 4. It shall be the duty of the owner of every registered dog to put around the neck of such dog a collar, not less than three-quarters of an inch in breadth, on which there shall be stamped the figures and letters designated by the preceding section, or to which shall be attached by a metallic fastening the circular metallic plate, stamped as aforesaid.

SEC. 5. It shall be the duty of each member of the city police, and of the city marshal and his assistants, to take up and impound in a suitable place to be designated by the city marshal, and of the location of which notice shall be given by a bill, posted up in a conspicuous place in the marshal's office, all dogs above the age of six months which are found within the City of St. Louis without collars around their necks, marked as provided in the two preceding sections.

SEC. 6. It shall be the duty of the city marshal and his assistants, and each member of the city police, upon ascertaining that any householder or head of a family possesses, or suffers to remain upon the premises by him occupied, any dog, male or female, without a collar stamped or marked as provided in the third and fourth sections of this ordinance,

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to call upon such householder or head of a family, and notify him or her of the existence of this ordinance, and require him or her to register such dog without delay, and report such person to the city register; and in every such case such householder or head of a family shall pay to the register of the city, in addition to the tax imposed by the preceding sections of this ordinance, the further sum of one dollar, for the use of the person so reporting him or her to the city register.

SEC. 7. If the householder or head of a family so notified and required, as provided in the preceding section, shall, for three days thereafter, neglect to pay, or shall not have paid to the city register, the tax imposed by this ordinance, the register shall make return of such facts to the city recorder, whose duty it shall be in such case to proceed to summon before him such householder or head of a family, to answer for a violation of this ordinance.

SEC. 8. Every householder or head of a family suffering an unregistered dog to remain upon his premises, and not complying with the requirements of the sixth section of this ordinance, upon being notified thereof, and every owner of an unregistered dog within the City of St. Louis, shall, if reported to the city recorder, as provided in the seventh section of this ordinance, and found guilty thereunder, be adjudged to pay the costs of the proceedings and a fine of not less than five nor more than ten dollars, whereof one-half shall go to the policeman or other officer reporting such case to the register, and the remainder to the city treasury, and be, moreover, ordered immediately to cause such dog to be duly registered, and the tax imposed by this ordinance to be paid therefor.

SEC. 9. Any householder or head of a family may, on being notified, as required by the sixth section of this ordinance, discharge himself from all liability in respect to any dog being on his premises, by immediately producing such dog to the policeman or other officer notifying him, as therein provided, and killing such dog in the presence of such police-

ness to other affairs, to which we were not all fortune so well disposed.

Now the world of waters is no more, and the earth is renewed. Rivers run in their channels, trees are clothed with leaves, and the face of the earth is covered with verdure.

Noah sends forth a dove to see if the waters were abated, and she returns with an olive branch in her mouth. Then Noah knew that the waters were abated. But he waited yet seven days more, and sent forth the dove, which returned not again. Then he knew that the waters were dried up from off the earth. And God spake unto Noah, saying, Go forth of the ark, thou and thy wife, and thy sons and their wives with thee. And Noah went forth, and builded an altar unto the Lord, and took of every clean beast, and of every clean fowl, and offered burnt offerings on the altar. And the Lord smelled a sweet savour, and said in his heart, I will not again curse the ground any more for man's sake; for the imagination of man's heart is evil from his youth; neither will I again smite any more every thing living, as I have done. While the earth remaineth, seed-time and harvest, and cold and heat, and summer and winter, and day and night shall not cease. And God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth. And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered. Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. But flesh with the life thereof, which is the blood thereof, shall ye not eat. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man, at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man. And you, be ye fruitful, and multiply; bring forth abundantly in the earth, and multiply therein. And God spake unto Noah, and to his sons with him, saying, And I, behold, I establish my covenant with you, and with your seed after you; and with every living creature that is with you, the fowl, the cattle, and every beast of the earth with you; from all that go out of the ark, to every beast of the earth. And I will establish my covenant with you; neither shall all flesh be cut off any more by the waters of the flood; neither shall there any more be a flood to destroy the earth. And God said, This is the token of the covenant which I make between me and you, and every living creature that is with you, for perpetual generations: I do set my bow in the cloud, and it shall be for a token of a covenant between me and the earth. And it shall come to pass, when I bring a cloud over the earth, that the bow shall be seen in the cloud; and I will remember my covenant, which is between me and you, and every living creature of all flesh; and the waters shall no more become a flood to destroy all flesh. And the bow shall be in the cloud; and I will look upon it, that I may remember the everlasting covenant between God and every living creature of all flesh that is upon the earth. And God said unto Noah, This is the token of the covenant which I have established between me and all flesh that is upon the earth.

Now Noah began to be a husbandman, and planted a vineyard. And he drank of the wine, and was drunken, and lay uncovered within his tent. And Ham saw the nakedness of his father, and told his two brethren without. And Shem and Japhet took a garment, and laid it upon both their shoulders, and went backward, and covered the nakedness of their father; and their faces were backward, and they saw not their father's nakedness. And Noah awoke from his wine, and knew what his younger son had done unto him. And he said, Cursed be Canaan; a servant of servants shall he be unto his brethren. And he said, Blessed be the Lord God of Shem; and Canaan shall be his servant. God shall enlarge Japhet, and he shall dwell in the tents of Shem; and Canaan shall be his servant. And Noah lived after the flood three hundred and fifty years. And all the days of Noah were nine hundred and fifty years; and he died.

violating this section, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be sentenced to pay a fine of not less than twenty nor more than fifty dollars, to be collected as other fines, one-half of which shall be payable to the city, and the other half to the party injured by the violation, without prejudice to any claim for damages on the part of any individual against the officer so offending.

SEC. 12. If any marshal, or deputy marshal, or policeman of the City of St. Louis shall become acquainted with the violation of this ordinance by any person and shall fail to report such violation as herein provided, or if any marshal, or deputy marshal, or policeman of the City of St. Louis, shall fail to proceed to take up or slay any dog that may be found by him in the city without a collar and without an owner, such marshal, deputy marshal, or policeman, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be sentenced to pay a fine of not less than five nor more than ten dollars, one-half of which shall go to the informer.

SEC. 13. It shall be the peremptory duty of any member of the city police to kill any bitch or female dog, whether registered or unregistered, going at large in the City of St. Louis, when such bitch or female dog is in heat; and the owner of such female dog shall be liable to pay a fine of five dollars [for] allowing her to run at large while in that condition.

SEC. 14. No one shall redeem from the dog-pound any dog before producing and putting around the neck of male dog a collar marked or stamped as required in section four, as well as paying the fees required by section ten of this ordinance.

SEC. 15. Any person who shall take up any dog collared as required by section four of this ordinance, or who shall remove or cause to be removed the collar from the neck of any dog so collared, or who shall entice any dog so collared into any enclosure for the purpose of taking it up, or who

shall entice any dog so collared out of the enclosure of the owner or possessor of such dog, or who shall molest or seize any dog while held or led by any person, or who shall bring into the city any dog for the purpose of taking up and impounding the same, shall, on conviction, be fined [in] a sum not less than five nor more than fifty dollars.

SEC. 16. If any fierce or dangerous dog shall be found at large in the streets of St. Louis, and shall there annoy or endanger any person therein, the owner thereof shall forfeit and pay to the City of St. Louis a sum of money not exceeding five dollars for the first offence, on the part of said owner, in permitting such fierce or dangerous dog to go at large; for the second offence, the owner may be fined in any sum not exceeding fifty dollars; and moreover, it shall be part of the sentence, upon such second conviction, that such fierce or dangerous dog be immediately killed, and this sentence shall be forthwith executed by the city marshal, for which he shall receive the further sum of five dollars, to be paid by the owner of said dog, which sum shall be included in such second judgment.

SEC. 17. The word "dog," wherever used in this ordinance without qualification, is intended to mean a female as well as a male dog.

SEC. 18. The provisions of this ordinance shall be in force during all months of the year, and all ordinances and parts of ordinances inconsistent herewith are hereby repealed; but all registration made and taxes paid under any ordinance in force up to the approval of this ordinance, shall be of the same effect, and shall entitle the owner of the dogs registered to the same privileges that they enjoyed prior to the approval of this ordinance: *Provided*, that no tax already paid shall be considered as paying for any dog longer than the year ending thirtieth April, one thousand eight hundred and fifty-seven.

Approved, June 8, 1856.

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(No. 4838.)

DUNNAGING FREIGHT.

AN ORDINANCE IN RELATION TO THE DUNNAGING OF FREIGHT ON THE WHARF.

§ 1. Persons allowed to carry on the dunnaging business, subject to rules of chamber of commerce.
2. Harbor master to assign places for skids.
§ 3. Affidavit to be made of number of skids used; amount paid for each in use.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That any person or co-partnership may be allowed to carry on the dunnaging business on the wharf, subject, however, to such rules and regulations as the St. Louis chamber of commerce may adopt.

SEC. 2. The harbor master shall at all times have control and regulate the amount of space occupied for depositing skids and other apparatus.

SEC. 3. That all parties wishing to avail themselves of the privileges granted by the first section of this ordinance, shall first make affidavit before the register of the number of skids kept by them on the wharf, and for each skid by them so kept shall pay to the city register the sum of six cents each per annum, which shall be placed into the city treasury to the credit of the wharf.

SEC. 4. All ordinances conflicting with this ordinance are hereby repealed.

Approved, March 28, 1861.

(No. 4794.)

ELECTIONS.

AN ORDINANCE REGULATING ELECTIONS.

§ 1. Elections, where to be held; marshal to provide refreshments for judges and clerks.
2. Mayor to give notice of election.
3. Judges of election to be appointed; their qualifications.
4. Vacancies in judgeships, how filled before election.
5. How filled at time of election.
6. Clerks to be appointed; to make oath; no city officer or candidate to be judge or clerk.
7. Register to notify judges of their appointment; to deliver ballot-box, poll-book, &c.
8. Regulations, to be observed by judges and clerks, when a vote is received or rejected.
9. Judges to preserve order; penalty for disturbance.
10. Penalty for seizing ballot-box, or poll-book.
11. Election void, if ballot-box carried away.
12. Regulations in respect to counting the votes.
§ 13. Ballots to be strung and preserved.
14. Returns of election, when and how to be made; register to count votes certified in poll-books, and make out certificate.
15. Register to deliver certificate to each person elected.
16. Penalty against judge or clerk failing to perform his duties.
17. Judge or clerk, in place of one disabled, how appointed.
18. Ballots not to be examined or handled before being deposited.
19. Compensation of judges and clerks.
22. Register to deliver copy of this ordinance to each judge.
23. Contested elections how conducted.
24. Common council to recount votes, hear testimony, and award certificate or commission.
25. Depositions may be taken.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. All elections for city officers shall be held at such place in each ward as the mayor may direct, and according to the regulations hereinafter contained. And thereupon, the city marshal shall provide, at the expense of the city, suitable rooms and refreshments (provided no intoxicating drinks are provided) for the judges and clerks of any city election, and upon his certificate of the amount thus expended, and with the approval of the mayor and comptroller, the auditor shall draw his warrant on the treasurer, payable

out of the appropriation for contingencies, unless otherwise directed.

SEC. 2. The mayor shall give ten days' public notice of the time and place of holding any general election, and five days' public notice of the time and place of holding any special election.

SEC. 3. There shall be appointed annually by the board of common council, six judges for each ward, to superintend all city elections, who shall be citizens of the United States, and shall have resided in the ward for which they are respectively appointed at least two years next preceding their appointment, and the board of common council shall designate the poll in such ward at which each of such judges shall serve.

SEC. 4. If any person so appointed decline or neglect to serve, the board of common council, if in session, shall appoint others to serve instead; but if the board is not in session, the mayor shall appoint the judge or judges to serve instead of the person or persons declining or neglecting to serve.

SEC. 5. If a vacancy be not filled, or if any person appointed fail to be present at the place of election at the time of opening the polls, or, being present, decline serving, a majority of the qualified voters then and there present may elect a qualified person to act as judge of that election.

SEC. 6. The judges at any election shall, before opening the polls, appoint two suitable persons, qualified voters of the ward, to act as clerks of the election, who shall make and subscribe an oath or affirmation faithfully and impartially to discharge the duties of clerk; but no officer of the city, or candidate for any city office, shall be judge or clerk of any city election.

SEC. 7. The city register shall, at least three days before the day set for holding an election, cause notice of their appointment to be given to the judges, to one of whom he shall deliver a ballot-box and blank poll-book, with the necessary certificates written in blank therein.

SEC. 8. The judges shall receive the ballot of every quali-

fied voter offering to vote, placing thereon the number of such ballot, and deposit such ballot in the ballot box, which shall not be opened until the polls are closed, and the clerks shall enter in the poll-books, in a fair hand, the name of every person voting, recording opposite each name the number of the ballot; also the name of every person whose vote is rejected, and opposite thereto shall note the fact of the rejecting, and the ballot so rejected shall be deposited in a separate box. Voters shall vote only in the wards in which they respectively reside.

SEC. 9. The judges shall have power to preserve order at the polls, and to command the officer in attendance to arrest and take before the recorder any person who shall, by violent or turbulent conduct, or in any other manner interfere with, hinder, obstruct, disturb or delay the judge or clerks in the discharge of their duties, or any voter in exercising the privilege of voting; and for any such offence the offender shall forfeit and pay a sum not less than ten nor more than one hundred dollars.

SEC. 10. Whoever shall, at any election, seize or attempt to seize, a ballot-box or poll-book, with the purpose of carrying the same off by force, shall forfeit and pay a sum not less than two hundred and fifty, nor more than five hundred dollars.

SEC. 11. If a ballot-box shall be seized and carried away, at any election, so that the ballots therein cannot be counted, the whole election shall be thereby void, and a new election shall be ordered by the mayor.

SEC. 12. At the close of the polls, the judges shall proceed to call out the ballots and ascertain the number of votes given for each person voted for, and shall continue the counting of the ballots without intermission until all are counted, when they shall immediately certify the aggregate number of votes given for each person, and their certificate shall be attested by the clerks. A like examination and a separate certificate of the rejected ballots shall be made in like manner.

SEC. 13. The ballots shall, as they are counted, be strung

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by the judges on a string or wire, and at the close of the count replaced in the ballot-box, which shall be locked and safely sealed up with wax, and not reopened by them or with their consent thereafter.

SEC. 14. At the hour of four o'clock in the afternoon of the next day following that of any election, the judges shall deliver the ballot-boxes and poll-books with their certificate as aforesaid, to the register, at his office; and the register shall forthwith proceed, in the presence of the mayor and at least one judge of election of each ward, if a general election, or one judge of the ward in which the election was held, if a ward election, to count up the number of votes certified in each poll-book, and make out a certificate stating the name of each person voted at full length, the office for which he is voted for, and the aggregate number of votes given to each person, and who are elected; when certificates shall be signed by the mayor and the judge of election present, and attested by the register.

SEC. 15. The register shall, on the next day after making the certificate aforesaid, make out and deliver a certificate, under the seal of the city, signed by the mayor, to each person elected, setting forth the office to which he is elected.

SEC. 16. Any judge or clerk of election who shall have commenced serving as such, and shall fail to perform any of the duties enjoined on him by law or ordinance, except for a reason specified in the next succeeding section, shall forfeit and pay a sum not less than twenty nor more than five hundred dollars.

SEC. 17. If any judge or clerk of election, after entering upon the discharge of his duties, shall, by sickness or other personal disability, be rendered unable to continue to act, another may be appointed in his place—if a judge, by a majority of the qualified voters present; if a clerk, by the judges. In such case the person substituted shall make oath as hereinbefore required, and the fact of substitution, and the time when it took place, shall be noted in the poll-book.

SEC. 18. No judge or clerk of election shall examine, or suffer any one to examine, the ballot of any voter handed in to be deposited in the ballot-box before placing the same therein; or permit any one but the voter handing the same in, or one of the judges, to handle the same; or allow any person but one of the judges to handle a ballot-box, under penalty of not less than five nor more than one hundred dollars.

SEC. 19. The pay for each clerk and judge of a general election shall be twelve dollars, and the pay for each judge and clerk of a special election shall be five dollars. The auditor shall draw his warrant on the treasurer for the amount due each person, and the amounts so paid shall be chargeable to the contingent fund.

[*Sec.* 20 *&* 21 *repealed.*]

SEC. 22. It shall be the duty of the city register to deliver a copy of this ordinance to each of the judges for the several wards of the city, at least one day previous to any election.

SEC. 23. When the election of any city officer shall be contested, it shall be before the common council at any regular session after said election shall be held, and the person contesting such election shall give to the opposite party notice in writing at least ten days before the said regular meeting of said council, specifying the grounds upon which he expects to rely, and shall also file with the register a copy of the same, and no certificate shall be made out or commission granted to any person until such contest is heard or determined.

SEC. 24. At the first stated session of the common council they shall proceed to recount all the votes cast for each candidate respectively, and shall carefully make an aggregate of the same; they shall then proceed to hear and determine the objections to the qualifications of any voters upon the oral and written testimony of witnesses produced or examined by either party; and if it appear that any person has voted who was not legally qualified, they shall take his number on the poll-book, and shall find the corresponding ballot and make a minute of the same, together with the name of the person

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for whom he voted; and shall thus proceed through the poll-books noting each voter whom they find unqualified, and the person for whom he voted, and shall make an abstract of the same. They shall then proceed to hear all and every other ground of contest, and shall, by resolution, award the certificate of election or commission to that person who is in every respect eligible, and who shall have received a plurality of all legal votes so found to be cast at any election as aforesaid.

SEC. 25. Either party may, on giving notice thereof to the other, take depositions to be read as evidence on the trial; and both parties shall, in the presence of the register, have the privilege of examining the poll-books and ballots, either separately or together for the purpose of such contest.

Approved, January 24, 1861.

(No. 4808.)

ENGINEER DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE ENGINEER DEPARTMENT.

ARTICLE I.

City Engineer.

§ 1. Department established; qualifications of the city engineer.
2. His oath of office.
3. His duties.
4. To furnish grades of streets, and lines of lots, when applied to.
5. All public works to be let to contract; notice to be given.
6. Bids, how offered; how to be opened.
7. Bids to be accompanied with bond.
8. Bids to be opened by mayor and engineer; when.
9. Amount of security required of contractors.
§ 10. Proceedings, when bidder fails to enter into contract.
11. Bidder failing to enter into contract, not allowed to bid again.
12. Contracts to be approved by city council, after certificate of city counselor approving form thereof.
13. Engineer to report all violations of contract.
14. Clause to be inserted in every contract.
15 Engineer not to certify work in advance, or where contractor fails to execute work.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A department of the city government is hereby established, to be styled the "Engineer Department," which shall embrace the city engineer, his deputies and assistants. The city engineer shall be well skilled in the sciences of civil engineering and building, and the practical application thereof.

SEC. 2. He shall take the oath of office required of other city officers, with this addition, that he is not and will not, during his continuance in office, be directly or indirectly concerned or interested in any contract made with this city for any public work.

SEC. 3. It shall be the duty of the city engineer, in addition to duties enjoined on him by the city charter, *firstly*, to see to the protection and improvement of the harbor of the city and the removal of obstructions therefrom; *secondly*, to cause to be carried into effect all ordinances of the city concerning streets, alleys, and other public places; superintending and controling the opening, improvement, and repairing thereof; preventing all obstructions thereto, and removing the same therefrom; *thirdly*, to preserve in his office all maps, plans, surveys of the city, harbor, and common, with all records, books, papers, and other things relating thereto; *fourthly*, to keep full and accurate accounts of all receipts and disbursements made under his supervision, and a systematic record of all transactions relative to this department; *fifthly*, to report to the council, on the first day of each stated session thereof, a general abstract of all the operations of this department during the previous portion of the fiscal year; the amount of work executed and remaining to be executed; the disbursements; the amount remaining to be disbursed; and such other information as he shall deem of interest to the city, or the council may require; *sixthly*, to number all blocks within the city; *seventhly*, to make all plans and estimates for all works constructed by or under authority of the city; *eighthly*, to do all other lawful

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acts relating to matters placed particularly under his charge and which may be necessary for the efficient working of this department.

SEC. 4. The engineer shall give the grade and lines of streets and alleys that are unimproved to all persons applying therefor, who shall make a written description of the property, and shall state that it is their intention to build immediately thereon; and the city engineer shall issue certificates of such grades to such persons free of cost; but no such certificates shall be issued where the grade is not established by ordinance.

SEC. 5. All public works ordered by the city, unless otherwise directed, shall be let by the city engineer to the lowest and best bidder; notice of the letting out of any such work shall be published not less than three times in the newspapers employed by the city, [and] copies thereof posted up in handbill form in at least twenty public places, more or less, according to the discretion of the city engineer, in each ward, at least ten days before the day appointed for the opening of the bids. Said notice shall state the nature of the work, the place where the specifications may be seen, and the time when the bids will be received: *Provided, however*, that nothing herein contained shall be so construed as to repeal any of the provisions of ordinance number twenty-three hundred and forty-six, entitled "An ordinance in relation to letting out contracts," approved February eleventh, eighteen hundred and fifty.

SEC. 6. Bids for such work shall be signed by the bidder, inclosed in a sealed envelope, and not opened until the day fixed in the notice, and then only in the presence of the mayor and city engineer.

SEC. 7. Each bid shall be accompanied with a statement, signed by the persons offered by the bidder as securities, declaring their willingness to become such securities in the event of this contract being awarded to the bidder; and shall also be accompanied with a bond to the City of St. Louis in the sum of two hundred dollars, signed by the bid-

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der and a responsible security, conditioned that the bidder, if his bid be accepted, shall enter into a written contract to do the work bid for according to the terms of his bid, at such time as the city engineer or officer having charge of the work may require. All bidders must designate their residences on the bids made.

SEC. 8. Bids shall be opened by the city engineer on the day notified, at the hour of twelve o'clock, noon, in the presence of the mayor, and the lowest and best bid shall be accepted if the securities offered be approved.

SEC. 9. The performance of all contracts let out as aforesaid shall be secured by at least two responsible securities to be approved by the mayor, in double the contract price of the work, except in cases where the estimated cost exceeds one thousand dollars, in which case the amount of security shall be determined by the mayor and city engineer, or by the mayor and superintendent of the water-works, when the contract relates to the water-works.

SEC. 10. If the person whose bid is accepted fail to enter into contract as aforesaid, the city engineer may award the contract to the next lowest bidder, or advertise for new proposals, as in his judgment may be best for the interests of the city.

SEC. 11. Any bidder failing to enter into contract as hereinbefore required, or to fulfill any contract entered into by him with the city, shall not be allowed to bid again, directly or indirectly, for any city work, unless for good cause shown the city council removes this disability.

SEC. 12. All contracts, after being drawn up, shall be submitted to the city counselor, or, in his absence or disability to act, to the city attorney, for the approval of the form thereof; after receiving which, they shall be submitted to the city council for its approval, which, when given, shall be indorsed thereon; after which they shall be recorded in the city engineer's office, and copies thereof shall be furnished to the city auditor and to the superintendent of water-works if they relate to the water-works.

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SEC. 13. The city engineer shall report to the mayor or city council all violations of any contract, and may suspend the execution thereof when the contractors fail to comply with the terms thereof, or with the directions of the city engineer in relation to or consistent therewith.

SEC. 14. Every contract entered into by the city engineer as aforesaid shall contain a clause stating that the same is entered into subject to existing ordinances of the city and to the power of the city engineer to suspend or annull the same for a failure on the part of the contractors to fulfill the same; but that such suspension or annulment shall not affect the rights of the city to all damages and penalties claimable by it on account of the contractor's failure.

SEC. 15. The city engineer shall examine all accounts of contractors for work done under his supervision, and if correct and chargeable to the city, he shall certify the same to the auditor for payment; but no account shall be certified where the contractor has failed to comply with the terms of his contract; nor shall any account be certified in advance of the performance of the work, and all final estimates shall contain a full description of work done as far as practicable, in such manner as best to assist the auditor of accounts in judging of their correctness.

ARTICLE II.

Employees.

§ 1. Assistant engineers and others to be employed; their compensation.
2. Their duties.
3. Employees may be dismissed.
4. Employees to deposit with engineer all books and plats pertaining to the department.
5. Engineer may employ, temporarily, mechanics and laborers.
§ 6. Engineer shall report to council the occupation and salaries of all permanent employees.
7. Superintendents of streets to be employed in the several districts; qualifications; bond.
8. Compensation of superintendents.
9. Duties of superintendents.
10. They shall report to engineer.
11. Engineer may discharge superintendents.

SECTION 1. The city engineer shall, with the approbation of the mayor, employ suitable and competent persons to act

as assistant engineers, clerks, draughtsmen and superintendents, who shall receive as compensation for their services such sum as may be agreed on by the mayor and city engineer, payable on the certificates of the engineer out of appropriations for engineer's department.

SEC. 2. The said employees shall be under the direction of the city engineer, and shall perform such duties as the city engineer shall direct, and he may, whenever in his opinion the interests of the city will be subserved thereby, dismiss, with the consent of the mayor, any of the said employees and employ others in their stead.

SEC. 3. No employee of this department shall, during business hours, perform any work of a professional character for his own emolument, and any employee so offending shall be immediately dismissed, and shall forfeit all claims to the unpaid portion of his salary, and shall not be re-employed unless by permission of the council.

SEC. 4. The employees of this department shall return to and deposit in the engineer's office all field notes, measurements, books and other documents pertaining to the business of this department, and which shall remain on record as the property of the city.

SEC. 5. The city engineer, with the approbation of the mayor, shall employ temporarily, such mechanics, laborers, and other persons, as the public service may require, and he shall certify their accounts to the auditor, specifying to what fund each amount is properly chargeable.

SEC. 6. The city engineer shall report to the council, at the commencement of each stated session thereof, the names, occupations and salaries of all the permanent employees of this department.

SEC. 7. The city engineer shall divide the city into convenient districts, for each of which he shall employ, with the approval of the mayor, a competent person to act as superintendent of streets. They shall be citizens of the United States, and before entering upon the discharge of their duties shall each give a bond to the city with one or more se-

curities, to be approved by the mayor, in the sum of two thousand dollars, conditioned for the faithful performance of the duties required of them, and take an oath faithfully to demean themselves while in the employ of the city.

SEC. 8. The said superintendents of streets shall each receive for their services seven hundred dollars per annum, payable monthly, out of appropriations for repair of streets, on the certificate of the city engineer.

SEC. 9. The said superintendents of streets shall in all matters act under the directions of the city engineer, and personally superintend the making of repairs on streets and other highways ordered by him, and also the workmen necessary therefor; to oversee and inspect all works on streets done by contract; keep correct accounts of the time of the men and the work when not done by contract, and generally perform such other duties as he shall require of them within their respective districts, and make report thereof to the city engineer at such times as he shall require.

SEC. 10. The said superintendents shall examine the state of all streets and sidewalks within their districts from time to time, and report to the city engineer such as need repairing; and generally follow such directions and observe such regulations as he shall establish touching the performance of the duties required of them respectively.

SEC. 11. The city engineer may discharge from the service of the city either or all of said superintendents whenever, in his opinion, the interests of the city require it, and employ others instead.

ARTICLE III.

Public Highways.

§ 1. Engineer to contract for work ordered by council; cost, how charged.
2. Property owners notified to make sidewalks and curbing.
3. Engineer to keep highways in repair; cost, how charged.
§ 4. Cost of work, how assessed and collected.
5. Porches, galleries, etc., regulated.
6. Cellar doors regulated.
7. Cellars and window curbing regulated.
8. Duties of street inspectors.

§ 9. Shade trees may be planted under direction of engineer.
10. Wheelbarrows and handcarts not permitted on sidewalks.
11. Penalty for violating foregoing sections.
12. Persons allowed at their own cost to make cross-walks.
13. Regulations concerning footways.
14. Size of curb stones and gutters.
15. Streets over brick sewers to be paved with stone on edge, to be charged to sewer account.
16. Streets impaired by laying water pipe, repaired and chargeable to water-works fund.
17. Gas light company to pay for repair of streets injured by laying gas-pipes.
18. Certain streets to be re paved with stone on edge.
19. Cost of such re-paving borne by property owners.
20. To be collected as other costs.
21. Engineer not to repair certain streets without authority of the mayor.
§ 22. Regulations concerning broken rock.
23. Regulations concerning paving stones.
24. Awning posts regulated.
25 Height and extent of awning posts.
26. Penalty for erecting awnings, except under direction of engineer.
27. Complaint of improper awnings; engineer to examine same; directions and notice given; penalty.
28. Street inspectors and others to report violations of ordinance relating to awnings.
29. Penalty for such violations, when reported.
30. Penalty for second violation.
31. Vaults constructed by permission of engineer, and under his direction.

SECTION 1. Whenever the common council shall by ordinance direct the improvement of any street, alley, or other public highway, the city engineer shall immediately contract for the work, to be done in the usual manner, which shall be paid for as follows: The cost of grading and paving all alleys, within the city, and the cost of grading, curbing, and paving all sidewalks, within the old and new limits thereof, and the cost of macadamizing and paving carriage-way and gutters, and the curbing and paving of sidewalks within the extended new limits of the city, shall be charged as a special tax against the property fronting upon or adjoining the work done as hereinafter provided, and the cost of the balance of the work shall be paid for by the city.

SEC. 2. Whenever the council by ordinance shall have directed the grading and macadamizing of the central portions of any public highway, the city engineer shall, by publication five times in the papers doing the city printing, notify the owners of property fronting upon such public highway, to

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set the curb-stone and pave the sidewalks within thirty days, in the manner which he shall direct; and in case they fail to do so, then the city engineer shall cause the same to be done, and charged as a special tax against them at their cost.

SEC. 3. It shall be the duty of the city engineer to keep in good repair all alleys, and other public highways, within the city. The cost of repairing and reconstructing all alleys, curbing and paving of side-walks, and gutters alongside thereof, and the repaving of the carriage-ways of all public highways, shall be charged as a special tax against the owners or occupants of the property fronting thereon, as hereinafter provided for; and the cost of repairing the macadamized portion of the carriage-ways of public highways, and the paved carriage-ways of the wharf, shall be borne by the city.

SEC. 4. The cost of all work done, which by this ordinance is made a special tax against property or the owners or occupants thereof, shall be assessed and collected as follows: Whenever any of the above mentioned works shall have been completed, under authority of ordinances, the city engineer, or other officer having charge of the work, shall compute the cost thereof and assess it as a special tax against the adjoining property fronting upon the work done, and each lot of ground shall also be charged in proportion to the frontage thereon, with the cost of constructing, reconstructing, and repaving the intersections of the next adjoining streets, alleys, or other public highways, in such a manner as the said officer shall deem just and equitable. The said officer shall then make out a certified bill of such assessment against each lot of ground chargeable with the work done in the name of the owner thereof; said certified bill shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary proceeds of law, in the name of the City of St. Louis, to his own use. And in case of absent owners, he may sue, by attachment, or by any other process known to the law, and each certified bill shall be a lien against the lot of ground therein described, and shall bear interest at the

rate of ten per cent. per annum from thirty days after the the date of its issue to the contractor; and if not paid within six months after its issue, it shall bear interest, from the date of its issue until paid, at the rate of fifteen per cent. per annum. And every such certified bill shall, in any action brought to recover the amount thereof, be prima facie evidence of the validity of the charge against the property therein described, and of the liability of the person therein named as the owner of such property. The city shall not be liable, in any manner whatever, for or on account of any work done, and which is to be paid for in the manner provided for in this section.

SEC. 5. No porch, gallery, platform, steps, or other fixture, shall be allowed to extend into or on any part of the sidewalks of this city more than two feet six inches, where the sidewalk is of ten feet in width, or less, nor more than three feet where the sidewalk is of more than ten feet in width; nor shall any fixture extending more than said distance upon any sidewalk of the width aforesaid, or any building or fence standing on any street, alley, or other highway, be repaired.

SEC. 6. No cellar door shall extend into or upon a sidewalk of less width than eight feet, more than two feet six inches; nor into or upon any sidewalk more than three feet; nor rise or project above the surface of the sidewalks; nor shall the hinges, nor any other thing therewith connected, project above or rise above such door; nor shall any staple, lock, or any fastening be placed on the upper side thereof.

SEC. 7. No cellar, grate, or window curbing, shall extend into or upon any sidewalk or street more than eighteen inches.

SEC. 8. It shall be the duty of the street inspectors to report any violation of the provisions of sections five, six, and seven of this article, in their respective districts, to the city engineer, who shall, upon the receipt of such report, notify the owner or occupant of the property in front of which the sidewalk needs alteration, to have the same done within thirty days from the time said notice is given; and, in case

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said owner or occupant shall fail to do said work in the time specified, the city engineer shall proceed to have the same done at the cost of the said owner or occupant, to be assessed and collected as hereinbefore provided for.

SEC. 9. Shade trees may be planted near the curb-stones of the sidewalks, with the permission and under the direction of the city engineer, provided same shall not be planted over eighteen inches inside of the curb-stone.

SEC. 10. No person, otherwise than in passing in or out of their premises, shall trundle any wheel or hand barrow or hand cart upon any paved sidewalk, except on Front street.

SEC. 11. Whoever shall violate any of the provisions of the preceding five sections of this article shall be deemed guilty of a misdemeanor, and subject to a fine of not less than three nor more than ten dollars.

SEC. 12. Any person or persons shall be and they are hereby authorized, under the supervision of the city engineer, and at their own proper cost and expense, to make permanent and substantial footways across any of the public thoroughfares of the city, at any point or crossing that they may deem it to their interest or convenience to do; provided, in the opinion of the engineer, such improvement shall not be of incovenience to the public or public carriage-way.

SEC. 13. If it is proposed to make a footway, it shall not be less than three feet wide, to be done with stone on edge, the stone not to be less than ten inches deep, nor less than six inches every way across the face, and the engineer at the time of advertising for proposals to macadamize any street, shall at the same time advertise for proposals for such footways.

SEC. 14. All curb-stones, or curbing set upon any street, avenue, or other highway, except on First street or the wharf, shall not be less than four inches in thickness on the front edge or top, and shall be set in the ground at least twelve inches below the surface of the pavement. The curb-stones or curbing set on the wharf shall not be less than six inches thick on the top, and shall be set in the ground not less than eighteen inches below the surface of the pavement.

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SEC. 1137. Every person who, with intent to defraud, shall make, or cause to be made, or aid or assist in making, any false entry in any book, report, or statement of any banking association, with the intent to injure or defraud such association, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such association, or any agent appointed to examine the affairs of any such association, and every person who, with like intent, shall exhibit, or cause to be exhibited, any false paper to any such officer or agent, or shall make any false statement or report to any such association, or to the directors or shareholders thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment not exceeding five years.

SEC. 1138. Every person who shall receive any deposit in any banking association, after he has knowledge that such association is insolvent, or in contemplation of insolvency, with intent to defraud such depositor, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment not exceeding five years. It is not necessary to allege in the indictment the name of the depositor whose deposit was received, or the amount thereof; but it is sufficient to allege generally that the person accused, at a time and place specified, did receive the deposit of money, or of some other thing of value, from some person to the grand jury unknown, after he had knowledge that the association was insolvent, or in contemplation of insolvency, with intent to defraud such depositor.

SEC. 1139. Every person who shall receive any deposit in any banking association, after he has knowledge that such association is insolvent, or in contemplation of insolvency, with intent to defraud such depositor, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment not exceeding five years. It is not necessary to allege in the indictment the name of the depositor whose deposit was received, or the amount thereof; but it is sufficient to allege generally that the person accused, at a time and place specified, did receive the deposit of money, or of some other thing of value, from some person to the grand jury unknown, after he had knowledge that the association was insolvent, or in contemplation of insolvency, with intent to defraud such depositor.

street so improved, in proportion to the front feet owned by them.

SEC. 20. The cost of all paving and repairing done in conformity to the requirements of section eighteenth of this article, shall be collected in the same manner as is provided for in the collection of special taxes in section number four of this article.

SEC. 21. It shall not be competent for the city engineer to improve the streets, or any of them, in the manner described in section eighteenth of this article, without the written authority of the mayor of the city so to do.

SEC. 22. All broken rock to be hereafter spread on the surface of any street, alley or highway in the City of St. Louis, shall be of the best description that can be procured in the vicinity of the city, which in the opinion of the city engineer is best adapted to such purposes, and that they shall be broken so that the largest will pass through a two and a half inch ring, in all of their diameters.

SEC. 23. All paving stones hereafter to be used for paving, with stone on edge, any street, or any principal alley within the business part of the city, through which heavy carts have to pass, shall be of the best quality that the vicinity of the city affords, and they shall be dressed on the top, sides, and end faces, so as to make close joints throughout, and a full and a square bottom, and the stone shall have a bed of sand properly prepared for its reception of a depth of not less than ten inches.

SEC. 24. It shall be lawful for any person to erect awning posts on any street (and none others) of twelve feet or more of sidewalk, as established by ordinance, except Front and Main streets, provided the same shall not be less than four nor more than seven inches at the centre in diameter, except when made of iron, the same to be round and painted with at least three coats of white paint, and to be placed close within the curb; and provided further, that awnings and awning posts of cast iron may be erected on Main street and other streets prohibited, if a written permit is obtained from

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the city engineer for the erection of the same, specifying the kind of awning, height and size of posts, etc., and that the awnings be put up strictly in conformity with such permit, and provided further, that such permit shall in no case be granted by the city engineer unless the owners representing a major part of property fronting on the street in the block where the awning or awning posts are proposed to be erected, shall petition for the same.

SEC. 25. The height of said posts shall not be less than eight feet six inches from the pavement, and the awning shall extend entirely over the sidewalk on which they are constructed.

SEC. 26. Awning posts shall only be erected under the superintendence of the city engineer, and the pavements shall be neatly repaired at their base immediately after they are erected, under a penalty of five dollars for a failure herein, to be sued for and recovered of the party ordering the same to be erected.

SEC. 27. If complaint in writing by any person or persons shall be made to the city engineer, to the effect that the erection of any awning or awning posts interfere in any way with the public convenience, or the free and uninterrupted passage of any street or sidewalk, or with the convenient transaction of business, the city engineer shall forthwith make personal examination of the matter set forth in such complaint, and if in his opinion such complaint is well founded, he shall without delay give notice thereof in writing to the owner of such awning or awning post, or person who caused the same to be erected, and require the removal of such awning or awning posts within five days after service of such notice; and if such owner or person, after being served with such notice, shall neglect or fail to remove such awning or awning posts within five days thereafter, he or they shall be deemed guilty of a breach of this ordinance, and be subject to a fine of not less than ten nor exceeding fifty dollars, to be sued for and recovered before the recorder, as in other cases of breach of ordinance of the city.

SEC. 28. It shall be the duty of the street inspectors, the inspector of buildings and fires, and the police, to report to the city engineer all persons who shall have erected, or who shall have in the course of erection, any awning post prohibited by this ordinance, and it shall be the duty of the city engineer to give notice to the owner or occupant of the premises to remove said awning posts so erected, within five days.

SEC. 29. If, on the receipt of such notice, a copy of which shall be left on the premises, the said awning posts are not removed within five days, the said engineer shall report the owner or occupant of the premises to the recorder, and on proof of the facts that said buildings or awning posts are erected contrary to ordinance, the said owner or occupant shall be fined in a sum not less than twenty nor more than one hundred dollars, with the addition of ten dollars per day for each and every day the said buildings or awning posts shall be allowed to remain after the expiration of the five days' notice.

SEC. 30. Upon a second conviction for the same offense of any party, under this article, the fine shall be doubled, and the penalty for permitting the building or awning posts to remain shall be twenty dollars a day.

SEC. 31. The city engineer may, when requested, grant permits for the construction of vaults under sidewalks, the mode of constructing which shall be directed by him, and he shall see that the same are constructed according to the terms of the permit.

GENERAL PROVISIONS.

SECTION 1. Whoever shall himself, or by another, place upon any highway or other public place any obstruction not authorized by ordinance, or make any excavation in such place without lawful authority, or displace, or remove any stones, stakes or other landmarks placed by any officer of this city under authority thereof, or injure or deface any property, or violate any provisions of this ordinance for vio-

lation of which no specific penalty is prescribed, shall forfeit and pay not less than ten dollars.

SEC. 2. The maps, plats, books and papers in the office of this department shall be subject to examination by any person seeking information therefrom, under such regulation as the proper officer may prescribe.

Approved, February 25, 1861.

(No. 4800.)

FERRIES.

AN ORDINANCE REGULATING FERRIES.

§ 1. Ferries not to be kept without license under penalty.
2. Petition to be made to council for license.
3. Council may direct license to issue.
4. Register when to issue license.
5. License when to be renewed by register.
6. Mayor may direct temporary licenses to issue; when.
7. Duties of ferryman.
8. Failing to perform his duties, license revoked; penalty.
9. Any person injured may sue on bond of ferryman.
10. Ferry landings established.
§ 11. When stated landings can not be used, harbor master to designate temporary landing.
12. Boats to pursue the nearest practicable route across the river.
13. Rates of ferriage.
14. Copies of rates to be posted up on boats.
15. Wiggins ferry company granted license.
16. License may be renewed on certain conditions.
17. Amount of license.
18. Madison county ferry company granted license on certain conditions.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. No person shall keep a ferry within the limits of this city, so as to demand and receive pay for transporting persons or property across the Mississippi river, or use in any way the wharf or shore of said river as a ferry landing, without a license therefor, under a penalty of twenty dollars for each day such ferry may be kept without such license.

SEC. 2. Whoever shall desire to keep a ferry within the limits of this city, shall petition the council for a license

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therefor, setting forth in the petition the number and kind of boats intended to be employed, the length of time for which license is wanted, and the place where such ferry is designed to be kept.

SEC. 3. The council may by resolution direct a license to issue, and prescribe the sum of money to be paid therefor for each six months.

SEC. 4. The city register shall upon the passage of such resolution, and the applicant for license giving bond to the city in the sum of five hundred dollars, with sufficient securities, conditioned for the faithful performance of all duties enjoined by any ordinance of this city, issue a license to the applicant, for the period of six months, charging therefor the sum directed in such resolution.

SEC. 5. If the license be granted by the council for a longer time than six months, the register may renew it at the end of each six months, during the time specified in the resolution, without the necessity of a new petition.

SEC. 6. At any time when the council is not in session, the mayor may direct ferry licenses to be issued, to continue in force until the end of the next regular session of the council, upon the applicant giving bond as before required.

SEC. 7. Every keeper of a ferry shall keep a good and sufficient boat or boats in good repair and well manned, and give ready and due attendance, at all times, between sunrise and dark; and for neglecting, failing or refusing to give such attendance, or promptly to transport persons or property across the river, when the river can be passed, he shall forfeit and pay a sum not less than five nor more than twenty dollars: *Provided*, he shall not be obliged to transport any person or property before payment of the legal ferriage therefor shall have been made or tendered.

SEC. 8. If any keeper of a ferry fail or neglect, for three consecutive days, or for six several days within any period of six months, to perform the duties herein enjoined on him, except when prevented by the elements, or other uncontrolable cause calculated to render ferry navigation dangerous

or impracticable, his license may be revoked by the mayor or council; and, after such revocation, notified to him, he shall not, for the purpose of transporting persons or property as a ferry, land any ferry-boat at or take it from the shore of the river within this city, under penalty of not less than twenty nor more than one hundred dollars.

SEC. 9. Any person injured or damaged by the failure, neglect or refusal of any ferry-keeper to perform any of the duties enjoined by this ordinance, may sue upon his bond, given as hereinbefore required.

SEC. 10. It shall be the duty of the harbor master to designate the places of landing of the different ferries, unless the same shall be fixed by ordinance.

SEC. 11. If any ferry-boat on account of the low stage of water in the river, or other natural causes, shall be at any time prevented from landing at the point designated as its landing place, the harbor master shall designate the nearest point thereto at which such boat can, without obstruction, land, as its landing place for the time being; and such boat shall be landed at the place so designated until a landing can be effected unobstructedly at its regular landing place.

SEC. 12. Ferry-boats shall pursue the nearest practicable route or course across the Mississippi river, and shall not remain at the landing in this city longer than ten minutes, unless compelled to do so in order to discharge and take in passengers and cargo.

SEC. 13. Ferriage, at any ferry established under this ordinance, shall not exceed the following sums, to-wit: For foot passenger, five cents, except drivers and children under ten years of age, crossing in charge of an adult, who shall cross free; for a man and horse, fifteen cents; for each horse not ridden or in a team, and for stock cattle, ten cents per head; for a one horse vehicle, twenty-five cents; for a two horse vehicle, thirty-five cents; for a three horse vehicle, fifty cents; for a four or five horse vehicle, sixty-five cents; for a six horse vehicle, seventy-five cents; for an eight horse vehicle, eighty cents. For market wagons or carts,

to commence from the date of the expiration of their last license.

SEC. 16. Upon the expiration of every license granted to said company, the same may be renewed upon said company filing a new bond as required by ordinance.

SEC. 17. Said Wiggins ferry company shall pay the sum of fifteen hundred dollars upon every license so granted, until otherwise ordered by ordinance or resolution.

SEC. 18. That, upon the Madison county ferry company complying with the provisions of this ordinance, the register is hereby authorized and directed to issue to the said company a ferry license for six months; and, upon the same conditions being complied with by the said company at the expiration of said license, the register is hereby authorized and directed to issue a new license to said company. Said company shall pay the sum of two hundred dollars upon the issue of every license as aforesaid, until otherwise ordered by the council.

Approved, January 30, 1861.

(No. 3438.)

FINES AND PENALTIES.

AN ORDINANCE IN RELATION TO FINES, FORFEITURES, AND PENALTIES.

§ 1. Fine for breach of ordinance, when no other penalty is fixed by ordinance.

§ 2. Maximum and minimum of fines established, when not specially fixed by ordinance.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Whenever, by the ordinances of the City of St. Louis, or either of them, the doing of any act, or the omission to do any act or duty, is declared to be a breach of any or either of said ordinances, and there shall be no fine or penalty declared for any such breach, any person or persons convicted

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of any such breach shall be adjudged to pay a fine of not less than one dollar and not exceeding three hundred dollars.

SEC. 2. Whenever, in any ordinance of the city, heretofore or hereafter passed, a fine, forfeiture, or penalty, is or may be prescribed at not less than a given sum, but the maximum of such fine, forfeiture, or penalty, is not likewise fixed, such maximum shall be as follows, to-wit: If the minimum of such fine, forfeiture, or penalty, shall be less than one hundred dollars, the maximum shall be three hundred dollars; if the minimum be one hundred dollars, or above that sum, the maximum shall be five hundred dollars; and it shall be lawful, in any such case, to recover the maximum aforesaid in like manner as if the same were specifically set forth in any such ordinance.

Approved, November 6, 1855.

(No. 4878.)

FIRE DEPARTMENT.

AN ORDINANCE ESTABLISHING A FIRE DEPARTMENT, AND FOR THE INSPECTION OF BUILDINGS AND PREVENTION OF FIRES.

Be it ordained by the Common Council of the City of St. Louis, as follows:

ARTICLE I.

§ 1. Fire department, how composed.
2. Chief engineer, when and how appointed; term of office.
3. Board of fire engineers, how composed; shall appoint officers; duties of their secretary.
4. Duties of the board.
5. Duties of chief engineer.
6. Assistant engineer to act as chief in his absence.
7. Captains of companies, their duties.
8. Minors not to be employed in department.
9. Hook and ladder companies, how organized.
§ 10. Badges used as directed by the board.
11. Fines for absence, how regulated.
12. Offences against rules, how punished
13. Substitute for absent member, how provided.
14. Meetings of board, when.
15. Expenses of department, how audited and paid.
16. Horses may be purchased by chief engineer.
17. Police powers of chief and assistants.
18. Time of service; manner of withdrawal.

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SECTION 1. The fire department shall consist of a chief engineer, two assistant engineers, and a board of fire engineers, one engineer and six men for each regular organized company; and as many hook and ladder men, not exceeding six to each company, as the number and quantity of the fire apparatus belonging to the city shall from time to time require.

SEC. 2. At the first stated session of the board of common council, in the year eighteen hundred and sixty-one, and at the first stated session every two years thereafter, there shall be appointed by the mayor, by and with the advice and consent of the board of common council, a chief engineer, who shall hold his office for the term of two years, and until his successor shall be duly appointed and qualified; and shall give bond in the sum of five thousand dollars, to be approved by the mayor, for the faithful discharge of his duty; and the present chief engineer shall hold his office until the expiration of the term for which he was appointed, and until his successor shall be duly appointed and qualified.

SEC. 3. The board of fire engineers shall consist of five members of the board of common council; they shall appoint two assistant engineers and a secretary, and shall make such rules for the regulations and government of the fire department as they see fit. The chief engineer shall attend all meetings of the board, and at such meetings shall be privileged to make such suggestions for the action of the board as he may deem proper. The secretary shall attend all meetings of said board of fire engineers, and shall keep a record of its proceedings; he shall keep all books connected with the department, and shall, together with the chairman of the board of fire engineers, examine and certify all bills which may be allowed by the board against the department before the same shall be audited by the city auditor.

SEC. 4. It shall be the duty of said board to take immediate possession of all engines, engine houses, hose carriages, and fire apparatus of every description belonging to the city; they shall have power to sell or otherwise dispose of any fire

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apparatus belonging to the city which may be unserviceable or not in use, and the proceeds of such sales shall be paid into the city treasury. All applicants for the purchase, sale, or exchange of engines, or lots for engine houses, for the erection or removal of engine houses, and for the construction of wells, reservoirs, and cisterns of the fire department, shall be made to said board, by whom the same shall be considered and reported to the board of common council, with the opinion of the board on the merits of the application, and their reasons for said opinions in writing. The board shall take into consideration and report to the board of common council all matters relating to the fire department, or to the property of the city connected therewith, and shall annually, in the month of March, make a full and complete report of the condition of the department, giving in such report a list of fires in the city for the year next preceding, the number of false alarms, the amount of property destroyed, and such other statistics in relation to losses, insurance, and the causes of fires, as they may be able to procure; and such other information and suggestions in relation to the operations of the fire department as they may deem advisable. Said board are authorized to make such rules and regulations as may be deemed necessary for the efficient operation of the department. Provided such rules and regulations shall not conflict with the ordinances of the city, or the laws of the State, and shall first have received the approval of the board common council.

SEC. 5. The whole fire department of the city shall be under the command of the chief engineer. He shall exercise a constant supervision over it, and shall have the general charge of the property of the city connected therewith, and shall see that the same is always kept in good repair, and is ready for immediate use. He shall, subject to the approval of the board of engineers, appoint and employ all officers and firemen, who shall severally be paid, during the period for which they may be appointed or employed, the compensation hereinafter named. All disputes and contro-

versies arising in relation to any matter connected with the department, among any of its companies, officers or members, when on duty, shall be summarily decided by the chief engineer, or, in his absence from the place of difficulty, by the officer in command. He shall attend all fires which may occur in the city, and all orders given by him to any company of firemen shall be promptly obeyed. It shall be his special duty to see that the provisions of this ordinance, and the rules and regulations of the board of engineers, are regularly and strictly enforced. He shall make a monthly report to the board of engineers of all the expenditures of the department, and shall establish his office in some fire engine house in the central part of the city, which shall be kept open at all hours of the day and night.

SEC. 6. The duties, required by this ordinance of the chief engineer, shall, in his absence or inability to act, be performed by the senior assistant engineer present.

SEC. 7. The captains of the several companies shall have command of the apparatus and men belonging to their several companies. They shall cause to be executed all orders from their superior officers; they shall see that the apparatus committed to their care, and the buildings in which the same is deposited, and all the things in or belonging to the same, are kept neat and clean, and in order for immediate use. It shall be their duty to preserve order and discipline in their respective companies, and enforce a strict compliance with this ordinance, and the rules and regulations and orders of the board of engineers. They shall keep, or caused to be kept, fair and exact rolls, specifying the time of admission, discharge, and age of each member, and of all absences and tardiness among the same, in a book furnished for that purpose by the board, which rolls, or record books, shall, at all times, be subject to the order of said board. They shall, on the first day of every month, certify to the chief engineer, the amount due to each officer and fireman in their respective companies.

SEC. 8. No person under twenty-one years of age shall be employed as a member of the fire department.

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SEC. 9. As many hook and ladder companies shall, from time to time, be formed as the council may deem expedient, the members of which shall be subject to the same rules, regulations, and compensation, as other firemen.

SEC. 10. The officers and members of the department shall wear such badges, or other insignia, as the board of engineers may direct, to be furnished at the expense of the city, and no other person shall be permitted to wear the same.

SEC. 11. No company shall be allowed to impose fines on its members, but for every absence or tardiness, except in case of sickness, there shall be a deduction from the pay of the officer or member, of such sum as the board may determine; and if any officer or member shall have been absent or tardy at more than one-third of the fires, or alarms of fire, except in case of sickness, during the month, he shall be discharged from the department.

SEC. 12. Any officer or member of the fire department, who shall wilfully offend against any ordinance of the city, or rules and regulations of the board of engineers, shall be dismissed from the department, and be liable to a penalty of not less than five nor more than fifty dollars.

SEC. 13. In the event of temporary absence from the city of any member for forty-eight hours or more, he shall provide a substitute, to be approved by the captain of his company, failing in which he shall forfeit one month's compensation, to be recovered in the same manner as other penalties.

SEC. 14. The board of engineers shall meet on the first Monday of each month, and whenever they shall be called together by the chief engineer; a majority shall form a quorum for the transaction of business.

SEC. 15. The chief engineer shall, on the receipt of the monthly statement of each company, cause to be made to the auditor, a full account of the amount due to each officer or member in the employ of the department, signed by himself and the majority of the board, and countersigned by the secretary, for which amount the auditor shall draw his warrant on the treasurer, in favor of said chief engineer for the use of the fire department; and it shall be the duty of the

chief engineer to keep a record and take a receipt from all persons to whom any money shall be paid on account of the fire department, which books shall at all times be open to the inspection of any member of the board of common council.

SEC. 16. The chief engineer, with the approval of the board, shall have full power to purchase or hire as many horses or mules, and make such arrangements for their keeping, as may, in his judgment, be necessary for dragging the engine and other apparatus to and from fires.

SEC. 17. The chief and assistant engineers shall have the same police powers at all fires as the chief of police, and may command such assistance from the inhabitants of the city for the suppression or extinguishing of fires, as may be required; they shall have power to order any company, firemen or other person away from the neighborhood of a fire, under a penalty, in case of disobedience, of a fine not exceeding twenty dollars nor less than five dollars.

SEC. 18. No member shall be received into any company connected with the fire department for a less time than one month, and no person shall be entitled to pay for a less time, unless specially employed by the chief engineer. Any member wishing to withdraw from any company, shall be required to give ten days' notice of such intention; and such enrolment of membership shall date from the first of every month.

ARTICLE II.

Fire Alarms.

§ 1. Alarms to be given by telegraph; central station, where situated.
2. Districts, their number and boundaries.
3. Signal boxes, where located.
4. Alarm bells, their location; regulation concerning their use.
5. Committee on fire-alarm telegraph, when and how chosen; may appoint operators.
6. Committee, their powers and duties.
§ 7. Chief operator to be secretary of committee; his duties.
8. Alarms of fire how given.
9. Signal boxes; tampering with them prohibited.
10. False keys—penalty for making or using.
11. Oath to be taken by operators.
12. Alterations and extensions of telegraph, when and how made.

SECTION 1. All alarms of fire shall be given by means of

the fire alarm telegraph system, in accordance with the rules and directions herein contained, and the central station of said system shall be on the third floor of the north wing of the courthouse, until otherwise directed by the council.

SEC. 2. The city shall be divided into five districts, as follows: The first district to be composed of all that portion of the city south of the line of Park avenue; the second district, all that portion of the city lying between the line of Park avenue on the south, and the line of Myrtle street and Clark avenue on the north; the third district, all that portion of the city lying between the line of Myrtle street and Clark avenue on the south, and the line of Christy avenue and Green street on the north; the fourth district, all that portion of the city lying between the line of Green street and Christy avenue on the south, and the line of Cass avenue and Columbia street on the north; the fifth district, all that portion of the city lying north of the line of Cass avenue and Columbia street.

SEC. 3. The signal boxes shall be located as follows: In district one, station one, on the northwest corner of Lami and Columbus streets. Station two, on the northeast corner of Victor street and Carondelet avenue. Station three, on the northeast corner of Lafayette street and Carondelet avenue. Station four, on the south St. Louis fire engine house. Station five, on the southwest corner of Decatur and Soulard streets. Station six, on the southwest corner of Menard street and Park avenue. Station seven, on the northwest corner of Linn and Soulard streets. Station eight, on the south side of Park avenue, between Mississippi and second Carondelet avenues. In district two, station one, on the northwest corner of Almond and Main streets. Station two, on the southwest corner of Lombard and Third streets. Station three, on the Phœnix fire engine house. Station four, on the northwest corner of Seventh and Gratiot streets. Station five, on the southwest corner of Barlow and Orchard streets. Station six, on the northwest corner of Fourteenth street and Chouteau avenue. Station seven, on the southwest corner of Fourteenth and Spruce streets. In district three, station one, on the northwest corner of Walnut and

Main streets. Station two, on the southwest corner of Olive and Main streets. Station three, on the southwest corner of Main street and Washington avenue. Station four, on the Washington fire engine house. Station five, on the St. Louis fire engine house. Station six, on the southeast corner of Seventh and Elm streets. Station seven, on the Missouri fire engine house. Station eight, on the old Union number two steam fire engine house. Station nine, on the north side of Clark avenue, between Tenth and Eleventh streets. Station ten, on the southeast corner of Twelfth and Olive streets. Station eleven, on the Laclede fire engine house. Station twelve, on Wells' omnibus stable, south side of Market street, between Eighteenth and Nineteenth streets. Station thirteen, on the Wedge house, at the junction of Market street and Laclede avenue. In district four, station one, on the northwest corner of Main and Carr streets. Station two, on the Liberty fire engine house. Station three, on the south end of the city market house. Station four, on the southeast corner of Broadway and Columbia street. Station five, on the southwest corner of Wash and Eighth streets. Station six, on the northwest corner of O'Fallon and Ninth streets. Station seven, on the northwest corner of Christy avenue and Eleventh street. Station eight, on the Franklin fire engine house. Station nine, on the southwest corner of O'Fallon and Fourteenth streets. Station ten, on the southwest corner of Fifteenth street and Franklin avenue. Station eleven, on the north side of Morgan street, in front of the blind asylum. Station twelve, on the Jefferson engine house. In district five, station one, on the Mound fire engine house. Station two, on the east end of the Sturgeon market house. Station three, on Ashbrook's pork house, west side of Broadway, between Harrison and Dock streets. Station four, on the southwest corner of Broadway and Salisbury streets. Station five, on the southwest corner of Madison and Fourteenth streets.

Sec. 4. The alarm bell of the first district shall be the bell of the south St. Louis fire engine house; the alarm bell of the second and third districts shall be the largest bell of the

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cathedral, north side of Walnut street, between Second and Third streets; the alarm bell of the fourth district shall be the largest bell of the St. Francis Xavier church, on the southwest corner of Ninth and Green streets; the alarm bell of the fifth district shall be the bell of the Mound fire engine house: Provided, that no bell, other than those specified in this ordinance, shall be rung as indicating an alarm of fire, except and until after one of the bells herein named shall indicate such alarm; and any person or persons who shall ring any bell in violation of this provision, except steamboat bells at the levee, shall be guilty deemed of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars, to be sued for and collected like other penalties.

SEC. 5. At the first called or stated session of the common council in each year, there shall be elected by ballot a committee of three, to be called the committee on fire alarm telegraph, who shall be members of the board of common council, and shall serve until their successors shall have been duly elected. They shall have power to appoint five operators, one of whom shall be chief operator, who shall hold his office for two years.

SEC. 6. The committee shall have the entire care and management of the rooms, apparatus, and machinery of the said system, and designate the persons to whom shall be entrusted the keys of the signal boxes. They shall appoint two assistant operators, to be under their control and direction, and, in like manner, from time to time, fill any vacancy that may occur in that number by resignation, dismissal, or otherwise. They shall adopt rules and directions for giving signals and sounding the alarms not herein provided for, and have power to alter and change the same from time to time; all of which rules, directions, alterations, and changes, shall be binding upon all persons after a copy of the same shall have been placed on file in the office of the chief engineer of the fire department and the city register, and published in the same manner as the ordinances of the city are published; provided that the council shall at all times have the power to

amend, alter, or annul the same. The said committee shall cause to be kept at the central station a record of all their transactions.

SEC. 7. The chief operator shall act as secretary of said committee, and under their direction have the charge of said system, and be responsible for the constant good repair and working condition of the same. He shall deliver the keys of the signal boxes to the persons designated by the said committee, take receipts therefor, and preserve the same on file in his office. He shall investigate the cause of all false alarms, and have power to recall the keys of the signal boxes, and cancel the receipts for the same, when in his judgment said keys are in improper hands, provided he shall immediately report the facts of the case to the said committee, whose decision shall be final. He shall control and direct the duties of the operators, and have power to discharge them for neglect or violation of rules and regulations, provided any operator so discharged shall have the right of appeal to said committee, whose decision shall be final. He shall, on the first Monday of each month, cause to be made to the auditor a full account of the amount due for salaries and repairs, signed by himself and a majority of said committee, for which amount the auditor shall draw his warrant on the treasurer in favor of said superintendent for the use of fire alarms. He shall take a receipt from all persons to whom any money shall be paid on account of the said system, and keep a record of the same in his office. He shall keep a record of the exact time and location of each alarm, and a register of the number of blows struck upon each bell. He shall, on the first Monday in January, April, July and October of each year, make a certified statement to the council of the entire expenses, operation and condition of the said system; a copy of all the records, reports, and files, herein referred to, shall at all times be open in his office to the inspection of any member of the council.

SEC. 8. It shall be the duty of the members of the police department and key-holders, immediately upon the discovery or authentic information of a fire, to communicate the fact

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Palm to Tenth street, thence westwardly along Davis to Twelfth street, thence southwardly along Twelfth to North Market street, thence westwardly along North Market to Fifteenth street, thence along Fifteenth to Mullanphy street, thence west with Mullanphy to Seventeenth street, thence south with Seventeenth to Spruce street, thence east with Spruce to Ninth street, thence south with Ninth to Gratiot street, thence on Gratiot to Fourteenth street, thence southwardly along Fourteenth to Papin street, thence westwardly in a straight line along Papin street to Tayon avenue, thence southwardly along Tayon avenue to Cooper street, thence westwardly along Cooper street to a point which would intersect Missouri avenue if said Missouri avenue were protracted north, thence southwardly along said Missouri avenue line to Park avenue, thence westwardly along Park avenue to Jefferson avenue, thence south in the centre of Jefferson avenue to Lafayette avenue, thence eastwardly along Lafayette avenue to Second Carondelet avenue, thence southwardly along Second Carondelet avenue to its intersection with the south line of the new limits of the first ward, thence eastwardly along said southern new limits line to the river. No buildings, unless strictly fire-proof, shall be used for the purpose of smoking meat within the above prescribed fire limits.

SEC. 2. The erection of such buildings upon any block not included within the aforesaid limits may be prohibited upon application to the mayor to that effect, in writing, signed by the owners of the greater part of the ground situate in the block. Such application shall be accompanied by a plat of the block, designating the property of each owner by his name, if ascertainable, being written on the portion of the plat representing his property; and upon the mayor being satisfied that the applicants are the owners of the greater part of the property in such block, and that such plat is correct, he shall grant an order, in writing, prohibiting the erection thereafter of any such buildings on such block.

SEC. 3. The application, plat and order aforesaid shall be delivered to the chief engineer of fire department, who shall immediately file the same in his office, and record the applica-

tion and order in a book to be kept by him for that purpose, and give public notice of the order in the newspapers employed by the city; and thenceforth no such building shall be erected on such block. The expense of the publication of such notice shall be paid to the city by the applicants at the time of delivering the papers to him to be recorded, and the publication of the notice shall not be made until such expense shall have been paid.

SEC. 4. The mayor, upon being informed that any person is erecting a building in violation of this ordinance, shall require the chief engineer of fire department forthwith to raze the same, who shall immediately execute the order, and collect the expense thereof from the person owning or erecting the same.

SEC. 5. Whoever shall in person, or by another, erect any building in violation of this ordinance, shall forfeit and pay a sum not less than fifty nor more than five hundred dollars, and a further sum not exceeding twenty dollars, for every day more than ten that such building shall be suffered to remain standing after he shall be convicted of erecting the same.

SEC. 6. No person shall set up or use a stove, the top or any side of which shall be within two feet of any part of the wood work of the wall or partition of any building, without protecting such wood work with a metalic covering, so as effectually to prevent the same from taking fire from such stove.

SEC. 7. In all cases where a stove pipe projects or passes through the roof or wood work of a building, the pipe shall be separated from such roof or wood work at least six inches, by sheet iron or other incombustible material, and shall project above or beyond the roof or wall of a wooden building, as the case may be, at least three feet.

SEC. 8. No person shall, in the city, boil any pitch, tar, rosin, turpentine, varnish, or other inflammable substance, unless the same be done in an open place, at least thirty feet distant from any building, boat, vessel, or other property, that might be injured thereby, or in a fire-proof building.

SEC. 9. No person shall burn any shavings or other combustible matter, in any street, alley, or other thoroughfare or public place, or near any inhabited place in this city.

SEC. 10. No owner or occupant of a livery stable, or other stable, in this city, shall, by himself, or those in his employ, use therein, or in any place containing hay, straw, or other combustible matters, any lighted candle, or other light, except the same be securely kept within a tin, horn, or glass lantern.

SEC. 11. No person shall, in this city, have, put or keep any hay or straw, in stack or pile, without having the same inclosed or secured, so as to protect it from flying sparks of fire.

SEC. 12. No person shall, in this city, carry or cause to be carried, in any street or other thoroughfare, any burning coal or brand, unless the same be shut up in a covered vessel.

SEC. 13. No person, not being on duty in a military corps and acting under orders from the commander thereof, or, not being a manufacturer of firearms, and trying or proving articles manufactured by him, so as to not endanger or injure persons or property in the neighborhood, shall discharge any kind of firearms in this city.

SEC. 14. No person shall, in this city, discharge or set off any rockets, or other pyrotechnic exhibition, without the written consent of the mayor, specifying the time and place when and where the same may be done.

SEC. 15. No person shall, in this city, fire or set off any squib, cracker, or other fire-works not previously designated.

SEC. 16. Any person setting up any stove or furnace in any building in this city, shall place the same on a platform of brick, sheet iron, or other incombustible substance, extending at least six inches in every direction beyond that part of the lower plate which fronts the door of the stove or furnace.

SEC. 17. The owner or occupier of any house, shop, or other building in this city, shall cause the flues or chimneys thereof to be swept or burnt out as often as may be requisite to keep the same clean. In cases of burning out a flue, it shall be done in the day time, and only when rain is falling,

or when the roof of the building is covered with snow. If any person shall suffer the flues of a house, occupied by him, to take fire, or be fired, at any other time than herein expressed, he shall be liable to the penalties hereinafter prescribed.

SEC. 18. Whoever shall violate any of the previous provisions of article third of this ordinance, contained in the sections succeeding the fifth section, shall forfeit and pay a sum not exceeding one hundred dollars.

SEC. 19. The street inspectors shall have power to require all persons to correct, remove or abate any state of things done, caused, suffered, or permitted by them, in violation of this ordinance; and upon their failure to comply with such requirement to correct, remove, or abate the same themselves, calling, if necessary, the assistance of the city police; and all costs attending their action in such cases shall be recovered against the party offending.

SEC. 20. In case of a fire occurring on any steamboat or other vessel in the harbor of the City of St. Louis, it shall be lawful for the mayor, or, in case he is not present, for the harbor master, or chief engineer of the fire department, to charter and take possession of any steam ferry boat, or other steamboat at the landing, which may have steam up, or can soonest be got ready, and immediately put said steamboat into service to tow the burning vessel or vessels, or other steamboats likely to take fire, into a place of security, and to keep the same so engaged as long as necessity shall require.

SEC. 21. A reasonable compensation shall be paid, on the certificate of the mayor, out of the contingent fund of the city, for the use of any steamboat or ferry boat so employed, and, whilst in the service of the city as aforesaid, such steamboat or ferry boat shall be at the risk of the city, and be paid for by the corporation if destroyed by fire or sunk, or repaired at the city's expense in case of partial injury.

SEC. 22. All steamboats and wharf boats lying at the levee within the harbor of the City of St. Louis, shall be

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SEC. 2. It shall be the duty of said officer to have a general supervision and inspection of all buildings in the course of construction; to cause to be carried into effect all ordinances provided for the prevention of fires, and for demolishing walls and other structures which endanger life and property; to see that all outside partition and parapet walls are constructed of marketable material, and of sufficient strength. He shall remove or prevent the construction of any fire-place, hearth, chimney or stove in any building which may be dangerous in causing or promoting fires; he shall direct the safe construction for the deposit of ashes, and may enter into at all reasonable times and examine all dwelling houses, lots, yards, and enclosures, in order to discover if they are in a dangerous state, and to cause such as may be unsafe to be put in a safe and secure condition.

SEC. 3. Any person who shall erect a house or building in the city without first taking out a permit, and in other respects complying with the requirements of section four of this ordinance, or who shall fail or refuse to conform with the instructions of said officer, in compliance with the requirements of this ordinance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than five nor more than one hundred dollars for the first offense, and not less than ten dollars nor more than two hundred dollars for any subsequent offense; provided, however, that such party shall be served with a notice in writing, setting forth distinctly some one of the dangers hereinbefore stated, with instructions to remedy the same without delay.

SEC. 4. It shall be the duty of said officer to keep a record of all permits issued, which shall be regularly numbered in the order of their issue, and also a record of the statements upon which permits are issued, and return the same to the city register at the end of every six months. He shall also keep a record of, and report to the common council, a full and complete register of the number, description and size of every building erected in the city du-

ring his term of office; of what materials constructed, with the aggregates of the number, kind and cost of all buildings.

SEC. 5. It shall be the duty of said officer upon the occurrence of every fire, instantly to repair to the spot, and make diligent search and inquiry as to the probable cause thereof. He shall make a written statement, which shall be sworn to by him, and immediately published in the newspapers doing the city printing. He shall have power to make arrests of persons whom he has good reason to believe are incendiaries, and to administer oaths, and take the testimony of creditable witnesses, who may be cognizant of any fact pertaining to the origin or cause of the fire.

SEC. 6. The requirements of section one in relation to the issue of permits shall apply to persons about to repair houses, provided they design to occupy any portion of the street on which to place building materials.

SEC. 7. Whenever the mayor shall be informed that any building, or other structure, is in a situation to endanger the lives of persons passing by or residing in the vicinity thereof, or endanger property, he shall forthwith notify the chief engineer of the fire department, who shall proceed to make a survey of said building or structure, and report to him his opinion of the same; if, from said report, the mayor shall believe that said building, or other structure, is in a situation to endanger the lives of persons, or injure property, he shall immediately notify the owner or agent of such building, or other structure, to have the same removed, or otherwise properly secured, within twenty-four hours thereafter; and should he or they fail to comply with said notice, it shall be the duty of the said officer to proceed forthwith to have the same demolished, or so much thereof as may be necessary. And if any such owner or agent shall fail to comply with the requirements of such notice, he or they shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than fifty dollars, nor exceeding one hun-

dred dollars, to be sued for and recovered before the recorder, as in other cases of breaches of ordinances.

SEC. 8. That the cost of demolishing walls and other structures which endanger life and property, provided for by this ordinance, shall be charged to the owners of such walls and other structures, and shall be collected of them by the collectors of the ward in which the same may be; the comptroller shall make out said bills and place them in the hands of the collectors, to be returned in twenty days if not paid, and in case of a failure to pay said bills, he shall place the same in the hands of the city counselor, to be sued for as in case of other debts due to the city; and should said bills be paid upon presentation, the same shall be paid over by the collectors into the treasury, and credited to contingent fund.

SEC. 9. The above named cost shall, in the first place, be paid by the city out of the contingent fund.

Approved, July 9, 1861.

(No. 4873.)

FIREWOOD.

AN ORDINANCE REGULATING THE MEASUREMEMENT AND SALE OF FIREWOOD.

§ 1. Vehicles from which firewood is sold to be open at the sides.
2. Firewood sold from vehicles to be measured by a weigher, who shall give certificate of quantity.
3. In measurement, allowance shall be made for crooked wood, &c.
4. Applicant for measurement to give his name to weigher.
5. Quantity of wood not to be diminished before sale.
§ 6. Vendors to deliver certificates to purchasers.
7. Weighers entitled to receive fee.
8. Computation of measurement of a cord.
9. Penalty for fraud in sale of wood.
10. Register to furnish weighers with blanks.
11. Persons selling in wood in small quantities, to deliver certificate of quantity to purchaser.
12. Penalty for weigher giving false certificate.

Be it ordained by the Common Council of the City of St. Louis, as follows:

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SECTION 1. All firewood brought to this city otherwise than by water, for sale, shall be brought in vehicles which shall be open at the sides, in such manner as to permit the officer charged with the measurement thereof to examine the same with accuracy.

SEC. 2. Before any firewood brought to this city in vehicles shall be sold, the person bringing the same shall cause it to be measured by one of the weighers of hay and stone coal, and receive from him a certificate of the quantity. The certificate aforesaid shall state the number of feet contained in such load, and the number of cords or part of a cord the measured quantity constitutes.

SEC. 3. In making such measurement, it shall be the duty of the officer to examine carefully the manner in which the wood is piled in the vehicle, and make a suitable deduction for the loose and improper piling, and for crookedness and unevenness of the wood.

SEC. 4. No certificate shall be given by a weigher of hay and stone coal until the person applying for measurement of wood shall give his name to that officer.

SEC. 5. No person, after having had a load or quantity of wood measured, and received a certificate as aforesaid, shall, before sale thereof, diminish the quantity thereof.

SEC. 6. Any person bringing wood to this city in a vehicle, and, after having the same measured as herein before provided, making sale thereof, shall deliver the certificate received by him as aforesaid to the purchaser, who shall retain, and in no case re-deliver the same to the vendor.

SEC. 7. The weighers of hay and stone coal shall be entitled to charge for each certificate delivered by them, as aforesaid, five cents, which shall be paid on the delivery thereof, by the persons having the wood measured.

SEC. 8. In all measurements of wood, under this ordinance, a cord shall be computed at the rate of eight feet in length, four feet in breadth, and four feet in height, well stored and packed, and parts of a cord shall be computed in the same proportion.

SEC. 9. Whoever shall violate any of the provisions of this ordinance, or be guilty of any fraud or imposition in the sale of wood, or shall change or alter any certificate made in pursuance hereof, shall forfeit and pay not less than five nor more than one hundred dollars.

SEC. 10. The city register shall furnish to each weigher of hay and stone coal printed blank forms for certificates to be used by them, as provided and required herein; and the register shall likewise furnish each weigher of hay and stone coal with a sufficient number of printed copies of this ordinance, so that a copy thereof may be delivered to each person bringing firewood to the city for sale.

SEC. 11. Every person keeping a woodyard, and selling wood in small quantities, shall deliver to the purchaser thereof a ticket setting forth the quantity so sold, in cords and fractional cords; and any person delivering a less quantity than set forth in said ticket shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars, nor more than one hundred dollars, to be recovered as prescribed by the ordinances of the city.

SEC. 12. Any weigher who shall give a certificate of measurement which shall not truly state the quantity as directed in the second section hereof, or who shall charge more or less than the fees allowed by the provisions of this ordinance, shall be fined not less than fifty nor more than one hundred dollars, to be recovered before the recorder, one-half of the fine to be paid to the complainant, and the other half into the city treasury.

Approved, July 5, 1861.

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(No. 4323.)

GRAINS.

AN ORDINANCE TO REGULATE THE WEIGHT OF WHEAT AND OTHER GRAINS.

§ 1. Tariff of weights established.
2. When no agreement exists, this tariff to be the standard.
3. Standard weight of corn in the ear.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That the following grains and other articles, when sold as merchantable in the city of St. Louis, and when sold by the bushel, shall be considered as sold at the following number of pounds, avoirdupois, to the bushel, viz: wheat, beans (except castor beans), clover seed, potatoes, sixty pounds to the bushel; rye, corn, flaxseed, fifty-six pounds to the bushel; barley, forty-eight pounds; oats, thirty-five pounds; bran, twenty pounds; onions, fifty-seven pounds; dried peaches, thirty-three pounds; dried apples, twenty-four pounds; buckwheat seed, fifty-two pounds; castor beans, forty-six pounds; hemp seed, forty-four pounds; blue grass seed, fourteen pounds; timothy seed, forty-five pounds; salt, fifty pounds to the bushel. One bushel of charcoal shall be equal to five pecks.

SEC. 2. When no agreement exists to the contrary in relation to the above named articles, the measure and weight as above specified shall be the city standard.

SEC. 3. The standard weight of corn in the ear shall be seventy pounds avoirdupois. All persons offering corn in the ear for sale, without having the same weighed by the city weigher, shall forfeit and pay to the City of St. Louis not less than one nor more than twenty dollars for each and every such offense, the fine to be collected before the recorder, in the same manner that other fines are collected: Provided, however, that the penalty herein provided shall not apply to persons selling ten bushels of corn or less out of a load without weighing the same.

Approved, February 5, 1859.

(No. 4866.)

GUNPOWDER AND HEMP.

AN ORDINANCE RELATING TO GUNPOWDER AND HEMP, AND THE STORING THEREOF.

§ 1. No person not a retailer of gunpowder, to keep more than one pound; retailers may keep 30 pounds, provided, &c.
2 Retailer to put up sign.
3. Gunpowder not to be carried on vehicles, unless.
4. Powder on vehicles not to be kept in the city more than one hour; not to be kept on street more than thirty minutes.
5. Boats, &c., having on board more than 300 pounds of powder, not to land, except, &c.
6. Delivery of powder to consignees regulated.
7. Powder not to remain on wharf, &c., but to be forthwith removed to magazine.
8. Shipment of powder regulated; boat having shipped powder, not to remain in city limits more than six hours.
§ 9. Penalty for bringing powder concealed to the city.
10. Mayor to issue search warrant for powder, when.
11. Penalty for violating this ordinance; powder brought into the city in violation of this ordinance, to be seized and sold.
12. Hemp, loose or unbaled, not to be kept in the city in greater quantity than 400 pounds.
13. Foregoing section not to prevent establishment of hemp manufactories under certain restrictions.
14. Baled hemp not permitted on the wharf longer than 24 hours.
15. Provisions of ordinance extended over St. Louis common.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Not exceeding one pound of gunpowder shall be allowed to be kept by any person or persons in any store, dwelling, building, or other place within the city, except retailers, or venders of gunpowder, in small quantities, who are authorized for that purpose to keep any quantity not exceeding thirty pounds, provided the same be kept in tin or other metal canisters, or stone jars, with good and closely-fitted and well secured covers upon such canisters or jars.

SEC. 2. Every retailer of gunpowder shall place on the building containing the same, over, or at the side of the front door thereof, a sign, with the words "POWDER FOR SALE," printed thereon, in letters at least three inches in height.

SEC. 3. No person shall carry gunpowder on any vehicle, in any part of the city, unless the same be secured in kegs, boxes, or canisters, sufficiently close to prevent the grains thereof from falling out, and be laid upon and covered over with sheets of canvass or other cloth, under a penalty of one hundred dollars.

SEC. 4. Whoever having charge of any vehicle carrying more than one keg of twenty-five pounds of gunpowder, and shall have such vehicle, with the gunpowder thereon, within the limits of the city, for a longer time than one hour, and whoever shall suffer more than one keg, of twenty-five pounds, of gunpowder in his charge to be upon any street, alley, or sidewalk, longer than thirty minutes, shall, in either case, forfeit and pay a sum not less than ten nor more than fifty dollars.

SEC. 5. No steamboat or other water craft shall be allowed to land, touch or remain at any part of the wharf or public landing, which has laden upon it any quantity of gunpowder exceeding three hundred pounds, except at the places and upon the conditions and under the restrictions hereinafter provided; and any master, owner, agent, or person in charge of any boat, or other water craft, who shall violate the provisions of this section, shall be subject to a fine of not less than fifty dollars, nor exceeding three hundred dollars, for each violation thereof.

SEC. 6. Any boat, vessel, or water craft, laden in whole or in part with gunpowder, may deliver the same to the owner or consignee thereof, at the port of St. Louis, but the same shall not be unladen at any point or part of the wharf or public landing between the north line of Myrtle street and the south line of Florida street; and before any gunpowder, in quantity exceeding one hundred pounds, shall be unladen from any boat, vessel, or other water craft, it shall be the duty of the master, owner, agent, or other person in charge of said boat, vessel, or [other] water craft, or the owner or consignee of such powder, to notify the city marshal, or one of his deputies, of the design and intention to unload such

powder; and upon being notified as aforesaid, it shall be the duty of the marshal or deputy, (as the case may be,) to superintend and see that such powder is securely unloaded, and all the provisions of this ordinance observed.

Sec. 7. All gunpowder taken or unladen from any boat or vessel, in quantity exceeding one hundred pounds, shall not be allowed to remain on any part of the wharf or public landing, nor on any street, lane, or avenue; but the same, as soon as landed, shall be removed forthwith, in a proper and secure manner, as hereinbefore provided, by the most direct route from the place of unloading, to the magazine or place of depot beyond the city limits.

Sec. 8. Any person or persons desiring to ship or load any powder upon any steamboat or vessel about to depart from the port of St. Louis, shall notify the marshal, or one of his deputies, of such desire, the name or description of the boat or vessel, and the place from whence the powder is intended to be shipped; and it shall be the duty of the marshal or his deputy, (as the case may be,) on being notified as aforesaid, to superintend and see that such powder is safely and securely transported by the most direct route to the boat or vessel on which the same is designed to be shipped or loaded; and see, also, that such powder is securely conveyed from the landing on board of such boat or vessel, and deposited thereon in a secure place from fire. And any boat or vessel, after having shipped aboard, as aforesaid, at the port of St. Louis, any quantity of gunpowder exceeding one hundred pounds, shall not be allowed to touch at, moor, or remain at any other part or portion of the wharf or public landing, but such boat or vessel shall proceed on her intended voyage without any unnecessary delay, and in no event remain within the corporate limits of the city exceeding six hours thereafter.

Sec. 9. Whoever shall, knowingly, bring within the corporate limits of the city any quantity of gunpowder, concealed in a box, barrel, parcel, package, or other thing, marked and purporting to be other than gunpowder, shall forfeit and pay

five hundred dollars, and the gunpowder so concealed shall be forfeited and seized, and sold by the marshal, as hereinafter provided.

SEC. 10. If any affidavit be presented to the mayor, showing probable cause to believe that any person keeps, has, possesses or conceals any gunpowder, in violation of this ordinance, he shall issue to the city marshal a search warrant, commanding him to search any place in quest of such gunpowder, which warrant shall be forthwith rigidly executed.

SEC. 11. Whoever shall violate any of the provisions of this ordinance, and if no specific penalty or fine is prescribed for such violation, the person or persons guilty of any such violation, on conviction thereof, shall be adjudged to pay a fine not less than one hundred dollars, and not exceeding five hundred dollars. And all gunpowder kept, stored, removed, transported and exposed within the city, or unladen from, or laden upon, any steamboat or vessel, contrary to and in violation of any of the provisions of this ordinance, shall be liable to be seized by the city marshal, or by any city officer cognizant of the fact; and it is hereby made the duty of the city marshal, and all other city officers, forthwith to seize such powder, and convey the same to a safe place beyond the city limits; and any and all quantities of gunpowder seized as aforesaid, shall be sold by the city marshal, at public vendue, to the highest and best bidder, for cash, first giving three days' notice of the time, place, and terms of such sale, in the newspapers employed by the city.

SEC. 12. No person shall keep any loose or unbaled hemp in any house, manufactory, store, or warehouse in this city, in a greater quantity than four hundred pounds. Any person violating this section, shall forfeit and pay a fine of not not less than one hundred dollars, nor more than five hundred dollars, for each day such violation shall have been suffered to exist.

SEC. 13. The provisions of the foregoing section shall not be held to prevent the establishment of manufactories of hemp in the city of St. Louis, without the fire limits of the

same; provided, that the buildings for said purpose shall be so constructed as to be fire-proof without.

SEC. 14. Baled hemp shall not be permitted to remain on the wharf for a longer time than twenty-four hours after the same is landed.

SEC. 15. The provisions of this ordinance are extended and declared to be in force over the St. Louis common.

Approved, June 21, 1861.

(No. 4888.)

HARBOR DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE HABBOR DEPARTMENT, THE LANDING OF WOOD AND LUMBER, AND WHARF-BOAT PRIVILEGES.

Be it ordained by the Common Council of the City of St. Louis, as follows:

ARTICLE I.

§ 1. Harbor department established.

SECTION 1. There shall be a department of the city government styled the harbor department, which shall embrace the harbor master and his deputies, the lumber measurers, and the wood master.

ARTICLE II.

Harbor Master.

§ 1. Duties of harbor master.
2. Obstructions to be removed from landing.
3. Person causing obstruction to be reported to recorder, when.
4. Penalty for causing obstruction.
5. Posts and ring-bolts to be provided.
6. Steamboat landing to be extended north and south, when.
7. Penalty for not landing barges, &c., at place designated by harbor master.
§ 8. Harbor master to remove merchandise from wharf, when.
9. Harbor master to sell goods removed, when.
10. Owner to be refunded moneys for goods sold, how, when.
11. Harbor master to be paid by city expense of selling goods, when.
12. Harbor master to employ policemen; their powers, duties and compensation.
13. Penalty for landing in front of the waterworks buildings.

SECTION 1. The duties of the harbor master shall be:

First—To direct the landing and stationing of all water craft, arriving at any point on the river bank, within this city, and the discharge and removal of their cargoes, so as to prevent interference between different vessels and their cargoes; to superintend the arrangement of merchandise and materials for repairs, on the river bank, so that the same shall occupy as little space as possible; to see that all combustible materials on the river bank are sufficiently protected from fire; to keep the wharf and the river along the shore free from improper obstructions; to keep in repair the ringbolts provided for fastening vessels; to regulate and control, by proper rules to be established and published, all vehicles traversing the wharf, and to remove thence such as unnecessarily obstruct free passage upon said wharf, or street; and generally to exercise complete supervision and control over the wharf, river bank, landing, and Front street, and over the lumber measurers and wood master.

Second—To register, in a suitable book, the date of the arrival and departure of every water craft, except wood and coal boats, with its name and tonnage by custom-house measurement, the name of its master, and the place whence it came, and to report the same, with the wharfage collected from each, to the city register, under oath, on the last Saturday of each month; and to report to the council, on the first day of each stated session thereof, the whole amount of arrivals during the preceding six months, the description and tonnage of the vessels, and the amount of wharfage collected therefrom.

Third—On Saturday of each week, to pay to the city treasurer all moneys collected by him during that week; and on the first Monday of each month, to settle with the city auditor for all moneys collected by him, and for moneys paid out by him under authority of ordinance, during the previous month, and for blank certificates received by him from the register; and,

Fourth—To keep regular accounts, in suitable books, of

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all moneys received by him, and expended on account of the city, or paid into the city treasury.

SEC. 2. The harbor master shall, at all times, and forthwith, cause to be removed all obstructions which may be found at any landing set apart at the wharf for ferry boats, packet boats, or scavenger boats; and whenever any such obstruction shall be found to exist, the harbor master shall at once notify the person having charge or control of such obstruction to remove the same forthwith.

SEC. 3. If such obstruction be not forthwith removed, the person or persons who caused such obstruction to be placed on the wharf, or the owner or person having control of the same, shall be deemed guilty of a breach of this ordinance; and the harbor master shall at once report such person to the recorder, and upon such report the recorder shall issue his summons against the party so reported, returnable forthwith, and shall try the complaint forthwith.

SEC. 4. If the party so reported, upon trial, be found to be guilty, he shall be fined in a sum not less than ten nor more than two hundred dollars; and the party so reported shall be liable to the penalties of this ordinance for each day that he shall permit such obstruction to remain.

SEC. 5. The harbor master shall, under the direction of the mayor, provide, at the expense of the city, suitable posts and ring-bolts for boats and rafts to make fast to, and keep the same in repair, and charge the city with the expense thereof, which shall be allowed in the settlement of his account.

SEC. 6. As soon as the wharf shall be made suitable for the landing of goods, and the depth of water will justify, north of Cherry street and south of Elm street, the harbor master is hereby further directed to extend the steamboat landing north and south, so as to give all the room required by the boats for landing and receiving freight, and for the free passage of drays and other vehicles, at the same time designating the line of boundary for each class, as is provided in

this ordinance, according to the wants of the different classes at the time of such extension.

SEC. 7. Hereafter, all keel-boats, barges, and other water-craft, otherwise than steamboats and wood-boats, shall be moored at such points or places at the wharf or public landing as may be designated therefor, for the time being, by the harbor master; and any owner, agent, master, or other person, having in charge any keel-boat, barge, or other water-craft, coming within the purview of this section, who shall neglect or refuse to conform to the orders and regulations of the harbor master, and moor such keel-boat, barge, or other craft, at the point or places designated by the harbor master, the persons so neglecting or refusing shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than fifty dollars, nor exceeding the sum of one hundred dollars, to be sued for and recovered before the recorder as in other cases of breach of the city ordinances.

SEC. 8. If the owner, agent, or consignee, of any goods, wares, or merchandise, or other thing, shall suffer the same to remain upon the wharf, or public landing, for a longer period than is allowed by the ordinances of the city and the regulations of the harbor master, it shall be the duty of the harbor master forthwith to remove such goods, wares, or merchandise, or other thing, to some suitable and safe place, and for that purpose may employ laborers, drays, and teams; and the expense of such removal shall be chargeable against the party suffering such thing or things so to remain on the wharf or public landing.

SEC. 9. Immediately after the removal of any such goods, wares, merchandise, or other thing, as provided in the foregoing section, it shall be the duty of the harbor master to make out an account of the expense of such removal, and demand the payment thereof of the owner, agent, or consignee of the thing or things removed, if such owner, agent, or consignee, has a known place of business in the city; if not, no demand shall be necessary, and if the expenses of such removal are not paid within five days after such de-

Act, 1888, and the Local Government Act, 1894, and the Acts amending the same, and the Acts relating to the Metropolitan Police District, and the Acts relating to the City of London, and the Acts relating to the Inner Temple and Middle Temple, and the Acts relating to the Isles of Scilly, and the Acts relating to the Duchy of Lancaster, and the Acts relating to the Duchy of Cornwall, and the Acts relating to the Isle of Man, and the Acts relating to the Channel Islands, and the Acts relating to the Universities of Oxford and Cambridge, and the Acts relating to the Universities of London, Durham, Wales, Manchester, Liverpool, Leeds, Sheffield, Birmingham, Bristol, Reading, Nottingham, Southampton, Exeter, Hull, Leicester, Aberystwyth, Bangor, Cardiff, Swansea, Newcastle-upon-Tyne, and the Acts relating to the Universities of Scotland, and the Acts relating to the Universities of Ireland, and the Acts relating to the Universities of Canada, and the Acts relating to the Universities of Australia, and the Acts relating to the Universities of New Zealand, and the Acts relating to the Universities of South Africa, and the Acts relating to the Universities of India, and the Acts relating to the Universities of the West Indies, and the Acts relating to the Universities of the Colonies, and the Acts relating to the Universities of the Dominions, and the Acts relating to the Universities of the Empire, and the Acts relating to the Universities of the World, and the Acts relating to the Universities of the Future, and the Acts relating to the Universities of the Past, and the Acts relating to the Universities of the Present, and the Acts relating to the Universities of the Middle Ages, and the Acts relating to the Universities of Antiquity, and the Acts relating to the Universities of Prehistory, and the Acts relating to the Universities of Mythology, and the Acts relating to the Universities of Fiction, and the Acts relating to the Universities of Poetry, and the Acts relating to the Universities of Drama, and the Acts relating to the Universities of Music, and the Acts relating to the Universities of Art, and the Acts relating to the Universities of Science, and the Acts relating to the Universities of Philosophy, and the Acts relating to the Universities of Theology, and the Acts relating to the Universities of Law, and the Acts relating to the Universities of Medicine, and the Acts relating to the Universities of Engineering, and the Acts relating to the Universities of Agriculture, and the Acts relating to the Universities of Commerce, and the Acts relating to the Universities of Finance, and the Acts relating to the Universities of Economics, and the Acts relating to the Universities of Politics, and the Acts relating to the Universities of Sociology, and the Acts relating to the Universities of Anthropology, and the Acts relating to the Universities of Psychology, and the Acts relating to the Universities of Education, and the Acts relating to the Universities of Physical Education, and the Acts relating to the Universities of Recreation, and the Acts relating to the Universities of Sport, and the Acts relating to the Universities of Games, and the Acts relating to the Universities of Entertainment, and the Acts relating to the Universities of Amusement, and the Acts relating to the Universities of Leisure, and the Acts relating to the Universities of Work, and the Acts relating to the Universities of Labour, and the Acts relating to the Universities of Industry, and the Acts relating to the Universities of Trade

consent and approval of the mayor and commissioners of police, to employ not more than two special policemen, for the purpose of regulating drays, etc., and assist in the mooring and stationing of boats, and other matters connected with his duties; the said policemen shall have the same power to make arrests as other members of the police; shall be commissioned by the mayor, and shall receive a compensation of fifty dollars per month.

SEC. 13. The harbor master be instructed to prevent the landing in front of the city water-works buildings, any steamboat, barge, flatboat, or other watercraft, or rafts of logs or lumber. And any owner or master, officer, agent, or servant of any boat as above, who shall violate the provisions of this section shall be fined for the first offense any sum not less than twenty dollars nor more than fifty dollars, and for every subsequent offense, not less than fifty dollars nor more than five hundred dollars.

ARTICLE III.

Lumber Measurers.

§ 1. Register to issue license to lumber measurers; bond.
2. Penalty for exercising office without license.
3. All lumber, &c., brought by water to be measured.
4. Duties of lumber measurers.
5. Lumber on wharf to be placed as directed by officer.
6. Owner to pay expense.
7. Lumber to be assorted.
8. Measurer to give certificate of quantity.
§ 9. Classification of boards, plank, &c.
10. What shall constitute first-rate.
11. What shall comprise common.
12. What shall comprise refuse.
13. Directions for measuring certain classes.
14. How refuse class shall be measured.
15. Directions for measurement.
16. Computation of measurement.
17. Certain portion of wharf set apart for lumber.

SECTION 1. The register is hereby authorized and directed to issue a license to exercise the office of lumber measurer, for the term of one year, to any person who shall apply for the same, provided such person shall pay into the city treasury the sum of twenty dollars for such license, and shall give bond to the city in the penal sum of one thousand dollars, with one or more securities, to be approved by the mayor,

conditioned for the faithful performance of the duties of said office, and to indemnify all persons against any fraud, collusion, or error on his part.

SEC. 2. No person shall exercise the office of lumber measurer, as above, unless he shall have taken out a license as hereinbefore provided, under a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered before the recorder as in other penalties.

SEC. 3. All boards, planks, scantling, joists, and square timber of every kind, brought to this city by water, if measured on the wharf or landing, shall be measured by the lumber measurer.

SEC. 4. The lumber measurer, immediately upon anything being landed on the wharf or landing, the charges upon which it is made his duty to collect, shall, by the bill of lading thereof, by the oath of a credible person, by measurement, inspection, counting or otherwise, as he may see fit, ascertain the quantity of such article in order to determine the amount of wharfage to be charged thereon: Provided, that all lumber brought to the city by steamboats, and other watercraft that pay wharfage for discharging freight on the wharf or landing, owned by a lumber merchant doing business within the city, and paying a license therefor, is hereby permitted to be landed on any part of the wharf or landing, not paved with stone on edge, and not set apart for other purposes, unless otherwise directed by the harbor master, free of wharfage: Provided, also, the same is removed from the wharf within two days after it is landed.

SEC. 5. All articles brought to this city by water, and landed on the wharf or landing, and which are placed under the supervision of the lumber measurer, shall be placed where and in such manner as that officer may direct.

SEC. 6. All boards, planks, scantling, joists, and square timber of every kind, measured by a lumber measurer on the wharf or landing, shall be placed, assorted and handled for measurement, by the owner thereof, or at his expense, by the owner thereof, or at his expense, by persons employed by the lumber measurer for that purpose.

SEC. 7. All boards, planks, scantling, joists, and square timber of every kind, shall be assorted into lengths, and laid in separate and distinct piles, and each thickness of plank and dimension of timber thus assorted shall be measured separately.

SEC. 8. The lumber measurer shall, upon measuring any lumber, give a certificate, stating the quality and quantity thereof.

SEC. 9. Boards and planks shall be classed as first-rate, common, and refuse.

SEC. 10. The first-rate shall comprise all boards, planks, joists, and scantling, which contain no knots, which are square-edged, of equal thickness, in all respects sound and free from shakes, and which shall be half heart on the sap side.

SEC. 11. The common class shall comprise all boards, planks, joists, and scantling, that are sound, free from shakes and unsound or large knots, square-edged, of equal thickness, and which are one-fourth heart on the sap side.

SEC. 12. The refuse class shall comprise all boards, joists, scantling, or plank, not comprised in the first or common class.

SEC. 13. Should the planks, joists, scantling, or boards, comprised in the first and common classes, be of unequal width at the ends, they shall be measured at the narrow end, and on the sap side; and the lumber measurer shall make such allowances as are necessary for straitening and squaring the same.

SEC. 14. The refuse class shall be measured on the narrow side, and at the middle or average width, with the planks, joists, or scantling.

SEC. 15. The measurement of all boards, planks, scantling, and joists, and square timber, of less dimensions than one foot square, shall be by the foot of one hundred and forty-four solid inches, except one and a quarter inch plank, which shall be measured as inch plank.

SEC. 16. The measurement of all timber twelve inches

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cords, and to measure the same, and to collect the charges authorized to be collected thereon, and to exercise, under the control of the harbor master, a general supervision over the wharf, in relation to fire-wood landed thereon. And any person who shall take or carry away any wood from the cords when measured, except the purchaser thereof, shall be fined the sum of twenty-five dollars for each and every offense.

SEC. 5. All fire-wood which shall have remained on the wharf longer than twelve days, shall be sold by the wood master, at public auction, to the highest bidder for cash, the purchaser binding himself to remove the same within two days from the wharf; and the proceeds of such sale, after deducting therefrom all wharfage taxes which may be due on such fire-wood, and the expenses of such public sale, shall be paid over to the owner of such fire-wood, or to his agent. All wood which, after having been sold by the wood master, shall remain on the levee after the "two days" shall have expired, shall be removed by the wood master to some safe convenient place, and the wood master shall sell so much of such wood as will pay the expense of removal, storage, and all other expenses on such wood.

SEC. 6. The wood master shall collect as a wharfage tax on all fire-wood landed or placed on the wharf, three cents per cord for each day such wood may remain on the wharf; and on all wood remaining on the wharf longer than six days, nine cents per cord additional for each day; and longer than twelve days, twelve cents for each day, from and after the end of said days.

SEC. 7. A cord of wood shall be computed at one hundred and twenty-eight cubic feet, and all fire-wood shall be sold by the cord or fractional part of a cord. The wood master, when measuring wood, shall rate the length of the wood at four feet, including one-half of the kerf.

SEC. 8. The wood master shall, whenever required to do so by any vender or purchaser of fire-wood, measure and mark off any quantity of fire-wood required, and shall be authorized to receive for every such measurement, from the person in fault or in error, a fee of five cents per cord.

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SEC. 9. The wood master shall receive for his services, in addition to the fees authorized by the preceding section, a salary of six hundred dollars per annum.

SEC. 10. Any person who may violate any provision of this ordinance shall forfeit and pay a fine of not less than fifty nor more than two hundred dollars for each offense, to be collected as other fines are.

SEC. 11. Fire-wood brought to this city by water for private use, and not for sale, may, at the option of the owner, be measured in the bulk or boat-load.

SEC. 12. Persons bringing logs to this city by water, or purchasing the same after they are brought, and, in either case, putting the same on the wharf or landing for fire-wood, whether for sale or not, shall have the wood, when cut, corded and measured by the wood master, in order that he may ascertain the quantity thereof.

SEC. 13. No logs shall be cut up into fire-wood on the public wharf or landing, at a penalty of ten dollars for each and every offense.

SEC. 14. The wood master, or one of his deputies, shall be at all times, from sunrise until dark, upon those parts of the wharf or landing where fire-wood is directed by ordinance to be landed and sold.

SEC. 15. Every person keeping a wood yard, and selling wood in small quantities, shall deliver to the purchaser thereof a ticket setting forth the quantity so sold, in cords and fractional cords; and any person delivering a less quantity than set forth in said ticket shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars nor more than one hundred dollars, to be recovered as prescribed by the ordinances of the city.

SEC. 16. All wood boats and craft landing freight of any kind on the wharf or landing in this city, shall have a name painted on some conspicuous part of such boat or water craft, with letters at least six inches long, and placed so that it may be easily read from either side; and any owner or master of a boat or other water craft who is guilty of landing

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any vessel contrary to the provisions of this section, shall, upon conviction, forfeit not less than twenty-five dollars.

SEC. 17. There shall be no wood or coal landed on the present paved portion of the wharf; provided, that coal may be landed on one-half block at each end of the paved levee, and the harbor master shall collect wharfage of all boats landing coal at the same rate per ton as wood boats pay per cord for landing wood.

ARTICLE V.

Rates of Charges and General Instructions.

§ 1. Steamboats to have preference in landing.
2. Time allowed steamboats to discharge and take in cargo.
3. Harbor master may extend time.
4. Boats in danger of sinking to be removed from harbor.
5. Proceedings in the case of a boat sunk in the harbor.
6. Lumber measurers and wood master to keep registers, and report to city register.
7. To settle for wharfage collected and certificates received.
8. Directions of officers to be followed.
9. Certain articles landed on wharf, how long to remain on same.
10. Pig lead and pig iron, how long to remain on wharf.
11. Lumber, scantling, and firewood, when to be removed from wharf.
12. What not to be deposited on the wharf; driftwood not to be stopped in river.
13. Wharfage tax on steamboats.
§ 14. Wharfage tax on flat and keel boats.
15. No wharfage tax on ferry, wood and coal boats.
16. Wharfage tax on boats remaining beyond time allowed.
17. Wharfage tax on lumber, &c.
18. Fees of lumber measurer.
19. Lumber measurer allowed no extra compensation.
20. Certificate to be given for wharfage paid.
21. Deputies to be employed by the lumber measurers and wood master.
22. Lumber measurers and wood master, or deputies, not to deal in buying or selling wood or lumber.
23. Penal section.
24. Freight not to be taken or discharged on Sunday—penalty.
25. Harbor master to set apart landings for sand, gravel and cobble stone.
26. Sand, gravel, &c.—wharfage to be collected from boats loaded with.

SECTION 1. Steamboats shall have preference in landing at the wharf or landing over other vessels and over rafts, but no vessel or raft shall, while discharging or receiving cargo, or being broken up, be compelled to leave its place to give room for a steamboat.

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SEC. 2. The following time shall be allowed to boats to discharge and take in cargo at the wharf, according to their tonnage: To boats of sixty tons burden, or less, five days; to those of over sixty, and not exceeding one hundred tons, six days; to those of one hundred, and not exceeding one hundred and fifty tons, seven days; to those of one hundred and fifty, and not exceeding two hundred tons, eight days; to those of two hundred, and three hundred tons, nine days; and those of three hundred tons and upwards, ten days.

SEC. 3. The harbor master may, in any case, for good cause shown, extend the aforesaid time for a period not exceeding three days.

SEC. 4. The harbor master shall require any boat which is leaking, so as to be in danger of sinking in the harbor, to be removed therefrom without delay, and the persons in charge of said boat, upon being required, shall forthwith remove the same thence.

SEC. 5. If any boat sink in the harbor of St. Louis, the harbor master shall forthwith take possession of the wreck, with the view of its immediate removal. If the owner, or any responsible party representing the owner or underwriters, will give such a bond, with security, as shall be satisfactory to the harbor master, binding such party to remove the wreck in such reasonable time as the harbor master shall designate, the harbor master shall, in that case, surrender the wreck to the person or persons claiming the same. But if no such bond is given, the harbor master shall proceed forthwith to save all the property possible from said wreck, and cause the said wreck, and every part thereof, to be removed with the least possible delay from the landing. The property saved, including the furniture, engine, hull, tackle and apparel of the sunken boat, shall be sold by the harbor master at public auction, and the proceeds, after deducting reasonable salvage on merchandise, and the cost of removal of said wreck, if there should be any balance after payment of charges, shall be paid over to the parties respectively entitled to receive the same. If, however, the amount saved and sold is not sufficient to pay the expenses incurred, the residue shall be

paid out of the city treasury, on the sworn account of the harbor master, and shall be charged to wharf. The expenses shall be fairly apportioned, charging the wreck with only the actual amount expended in its removal, and other property a reasonable salvage; and no contract for the removal of any wreck in said section mentioned, nor for any work therewith connected, made by the harbor master, shall be good and valid or binding on the city unless the same has been first approved by the mayor.

SEC. 6. The lumber measurers and the wood master shall, respectively, keep, in suitable books, a register of all articles brought to this city by water, and placed under their respec tive supervision; and they shall report, under oath, to the city register, on the last Saturday in each month, and without oath, to the council, on the first day of each stated session thereof, the aggregate quantity of all such articles so brought to the city during the previous month, or six months, as the case may be.

SEC. 7. Said officers shall, on the last Saturday of each month, pay the city treasurer all wharfage collected by them during the preceding month, and, at the same time, settle with the city auditor for the same, and for all the blank certificates received by them from the city register.

SEC. 8. All persons are required to comply, in all particulars, with the directions of the harbor master, the lumber measurers, and the wood master, in relation to all matters herein placed under their respective supervision.

SEC. 9. Everything landed on the wharf or landing, except pig lead, pig iron, lumber, scantling, and fire-wood, shall be removed therefrom within forty-eight hours after being landed, unless the same shall have been landed for the purpose of reshipment, in which case it shall be removed within seventy-two hours after being landed; provided, however, that the time for which baled hay and hemp shall be permitted to remain on the wharf shall not exceed twenty-four hours after the same is landed, anything in this or the preceding section to the contrary notwithstanding.

SEC. 10. Pig lead and pig iron, if compactly piled up, may,

with the permission of the harbor master, remain on the wharf not exceeding twenty days.

SEC. 11. Lumber, scantling, and fire-wood, shall be removed from the landing within six days after being landed.

SEC. 12. No person shall deposit, or cause to be deposited, upon the wharf, any nuisance, incumbrance or impediment, or any article not intended for shipment or for delivery in the city, or shall stop any drift-wood in the Mississippi river, from Bissell Ferry street north to Lesperance street south.

SEC. 13. The harbor master shall collect from each boat employed in trade, except flatboats, keel-boats, ferry, wood and coal boats, which shall come within the harbor of this city, and land at the wharf or landing, or be made fast thereto, or to any boat thereto fastened, or shall receive or discharge any freight or passengers in this city, seven and a half cents for each ton of said boat's burden, by custom-house measurement: provided that the harbor master is satisfied the enrollment of said steamboat or barge is correct; and if not so satisfied, he is hereby empowered to re-measure said steamboat or barge according to the rules and regulations of the United States, and to collect wharfage according to such measurement; and any person or persons having in charge any such steamboat or barge, who shall refuse to permit said harbor master to measure any such steamboat or barge, shall forfeit and pay not less than one hundred nor more than five hundred dollars for each and every refusal.

SEC. 14. From flat and keel-boats, coming into the harbor as aforesaid, said officer shall collect for the first day they shall be therein one dollar, and for each subsequent day fifty cents.

SEC. 15. From ferry, wood and coal boats no wharfage shall be collected; but all wood boats, whether loaded or empty, shall, after remaining at the landing for the space of seven days, be removed, to make room for others, under order of the wood master.

SEC. 16. From every boat liable to the payment of wharfage, the harbor master shall collect two cents per ton for each day it shall remain at the wharf longer than the

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register, stating the time and the amount of the payment, and the thing for which the payment is made.

SEC. 21. The lumber measurers and the wood master shall, at all times, keep in their employment a sufficient number of deputies, to insure proper and prompt attention to all the duties enjoined upon them in their respective offices.

SEC. 22. It shall not be lawful for the lumber measurers, or the wood master, or any of the deputies of either, directly or indirectly, personally or by another, to be engaged in the buying or selling of any of the articles herein placed under their respective supervision.

SEC. 23. Whoever owning, claiming, or having charge of any boat, lumber, fire-wood, or other articles, upon which charges are herein imposed, shall neglect or refuse to pay any such charges on demand by the proper officer, and whoever shall remove any boat or other thing, upon which charges are imposed, from the wharf or landing, without first having paid the charges thereon, or shall fail to obey the directions of either of the officers herein named, or of any of their deputies, in relation to any matter placed under his charge, or shall, in any manner, violate or fail to comply with any of the foregoing provisions of this ordinance, shall forfeit and pay not less than five nor more than one hundred dollars, together with the amount of wharfage, or other charges due the city.

SEC. 24. It shall not be lawful to receive upon, or discharge from, any boat in the harbor of this city, any freight or cargo on Sunday. Whoever shall violate this section shall forfeit and pay not less than two hundred dollars.

SEC. 25. The harbor master is hereby instructed to set apart landings for sand, cobble-stone and gravel, one north of Cherry street, the other south of Myrtle street. The space thus set apart shall not exceed one hundred and fifty feet in length for each landing; said landings to be on the paved portion of the wharf.

SEC. 26. The harbor master shall charge and collect wharfage from the owner or person landing barges or flatboats

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bringing the sand, cobble-stone or gravel, at the same rate charged for the same description of boats bringing other articles to the public wharf; and shall allow the owner or consignees the same length of time for the removal of the sand, cobble-stone or gravel as is allowed for the removal of other articles, and shall have the same power to remove sand, cobble stone or gravel, that may be left remaining, after the time allowed, as in other cases.

ARTICLE VI.

Wharf Boats.

§ 1. Regular packets to be charged reduced rates of wharfage.
2. Alton packets allowed a wharf boat; rate of wharfage.
3. Keokuk packets to have license; amount of same.
4. Illinois river boats assigned a portion of landing.
5. Designates the Illinois boat landing.
6. St. Louis and New Orleans railroad line assigned a place at landing.
§ 7. Northern line of packets—place for mooring wharf boat designated.
8. Memphis packets—place for the wharf boat designated.
9. Wharfage on Memphis boats regulated.
10. Memphis wharf boat not to be removed.
11. Penalty for acting as agent of wharf boat for stowing or transshipment.

SECTION 1. That the harbor master be instructed to make the following deductions from the regular established rates of wharfage, on all steamboats making regular trips as packets between the city of St. Louis and in the vicinity thereof oftener than once a week, viz: On every boat leaving the city daily, sixty-six and two-thirds per centum; on those boats leaving every other day, thirty-three and one-third per centum; and on those boats twice a week, twenty-five per centum, except as hereinafter provided.

SEC. 2. The harbor master is authorized to grant the privilege to the owners of the Alton packets of having a wharf-boat at the landing, and in lieu of the regular rate of wharfage fixed by ordinance, the owners of any such boat, designed to ply as a regular packet between St. Louis and Alton, may pay to the harbor master the sum of five hundred dollars in full of six months' wharfage, in advance, and take his receipt therefor; and on the production of such receipt the register shall

issue a license to the party to run one steamboat as a regular packet between this city and Alton for the period of six months from the date of said receipt, any ordinance to the contrary notwithstanding.

SEC. 3. In lieu of the regular rate of wharfage fixed by ordinance, the owner or owners of any steamboats designed to ply as regular packets between the city of St. Louis and the cities of Quincy or Keokuk shall be entitled to procure from the register a license to run one or more boats as regular packets to said ports for the period of one year from the date of such license: Provided, such owner or owners shall pay to the harbor master, for such license, the sum of one thousand dollars per annum for each boat, payable quarterly in advance.

SEC. 4. That the harbor master be and is hereby instructed to set apart that portion of the levee bounded on the north by Spruce street and on the south by Poplar street, for the landing of all the steamboats, barges, and canal boats, going to and coming from the Illinois river.

SEC. 5. That said landing so set apart shall be known as the "Illinois boats' landing," and all produce brought on said boats shall be deposited on the same, and the harbor master is specially charged with the enforcement of this ordinance.

SEC. 6. That the harbor master be and is hereby authorized to assign to the owners of the St. Louis and New Orleans railroad line of packets a place at the wharf, near the foot of Market street, for the purpose of mooring a wharf boat, to be used by them exclusively in the business of said line; provided it does not occupy more than three hundred feet.

SEC. 7. That the agent or owners of the northern line of packets trading to and from St. Paul, be and they are hereby directed and required to remove their wharf-boat from the place at which it is at present moored, and they are hereby authorized to place or moor at the landing between Morgan and Green streets, under the direction of the harbor master, a wharf-boat, not to exceed three hundred feet in length, to be used exclusively in the business of said line. The said wharf-boat, when so placed and moored, shall not affect in

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anywise whatsoever the wharfage tax or dues on any boat so engaged in said trade, and northern line of packets, and all wharfage shall be collected from each and every boat landing alongside of said wharf-boat as though the same was not there.

SEC. 8. That the agents or owners of the Memphis packets trading to and from Memphis, be and they are hereby directed and required to establish their wharf-boat at the landing between Locust and Chesnut streets, under the direction of the harbor master. Said wharf-boat shall not exceed three hundred feet in length, and to be used exclusively for said line, and no other boat shall be allowed to use said wharf-boat or any part thereof.

SEC. 9. The said wharf-boat, when so established, shall not affect in anywise whatsoever the wharfage tax or dues on any boat so engaged in said trade, and Memphis line of packets, and all wharfage shall be collected from each and every boat landing alongside of said wharf-boat as though the same was not there.

SEC. 10. This ordinance shall not be so construed as to allow the removal of the wharf-boat now owned by the Memphis and northern line of packets.

SEC. 11. No person shall be permitted to act as agent of the owners of any wharf-boat for the purpose of stowing or keeping any article on board said boat for sale or transhipment, under a penalty (to be sued for and recovered against the owners of said boat) of fifty dollars for violating any of the provisions of this ordinance.

Approved, July 12, 1861.

(No. 2471.)

HAWKERS.

AN ORDINANCE CONCERNING HAWKERS.

§ 1. Definition of hawker.
2. To be licensed, at what rate; hawker to show license when required by officer.
§ 3. What kind of vehicles to be used.
4. Hawkers to be arrested, when.
5. Fine for violation of this ordinance.

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Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A hawker is one who sells, or offers for sale, in any wagon, vehicle, or other conveyance, drawn by hand or otherwise, in streets, alleys, or other thoroughfares of public places, by outcry, or by going from place to place in the city, any fruit, vegetable, ice cream, or other article of food; *provided*, that this section may not apply to any person who may have raised said articles from his own soil.

SEC. 2. There shall be levied and collected of every person following the business of a hawker, the sum of ten dollars, the payment of which will entitle such hawker to a license for the period of six months; and such hawker shall carry such license with him and exhibit the same whenever thereto required by any street inspector, day guard, or other officer authorized under the ordinances to make arrests.

SEC. 3. No hawker shall be permitted to carry the articles offered by him for sale, in any wagon, vehicle, or other conveyance drawn by hand or otherwise, unless the said wagon, vehicle, or conveyance, be of one uniform dark color; nor shall he be permitted to affix to, or have on or about said wagon, vehicle, or conveyance, any flags, ribbons, poles, or other thing calculated in any manner to scare or frighten horses, mules or oxen, in the streets or other places within the city.

SEC. 4. It is hereby made the duty of the city marshal, street inspectors, and members of the day and night guards, to arrest any person whom they shall find exercising the business of a hawker without a license, or in violation of the next preceding section.

SEC. 5. Any person found guilty, on trial before the recorder, of violating any of the provisions of this ordinance, shall be fined in a sum not less than ten nor more than one hundred dollars.

Approved, July 12, 1850.

(No. 4771.)

HAY AND STONE COAL.

AN ORDINANCE IN RELATION TO WEIGHERS OF HAY AND STONE COAL.

§ 1. Weighers to be appointed for public scales.
2. Breaches of weigher's bond, what shall be deemed.
3. Stockholders in scales not to engage in trading in articles subject to be weighed; penalty.
4. Weigher to be dismissed on second conviction.
5. Penalty for selling hay and stone coal without having wagon weighed.
6. Penalty for not having wagon properly marked.
7. Wagons to be weighed every three months, and after being repaired; penalty.
8. Policemen or citizens may demand that wagons be re weighed; penalty, if weight found inaccurate; duty of inspector of weights and measures; wagon and contents may be sold to pay fine and costs.
9. Weigher's fees.
10. Certificate of weighing from certain scales not valid; penalty for selling under such certificate.
11. Stockholders in scales to make certain affidavit; penalty for refusal.
§ 12. Duties of weigher.
13. Standard weight of stone coal established.
14. Penalty for selling hay or stone coal without having the same weighed.
15. Penalty for diminishing load, or altering certificate.
16. Penalty for selling under false certificate.
17. Penalty for weigher keeping spirituous liquors at scales.
18. Penalty for selling articles weighed by unauthorized scales.
19. Penalty for any person assuming to be legal weigher at illegal scales.
20. Penalty for misconduct at scales.
21. Weigher to have scales inspected twice in each year.
22. Charcoal to be measured; baskets to be inspected and marked; inspector's fee therefor.
23. Penalty for selling charcoal without having baskets inspected and marked.
24. City register to furnish weigher with copies of this ordinance.
25. Keepers of coal yards vending coal in small quantities; their duties.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. There shall be appointed on or before the first Monday in June, in each year, by the mayor, with the advice and consent of the board of common council, a weigher of hay and stone coal, for each public scale now authorized, or which may hereafter be erected or authorized by the city.

SEC. 2. The following among others shall be deemed a breach or breaches of the official bond of a city weigher:

First. If the scales and weights under the control of any such weigher shall be at any time so much out of order as to weigh one hundred pounds more or less than the standard weight, and he shall continue to weigh therewith, and issue and charge for certificates of such weighing, without giving notice to the city inspector of weights and measures, of the inaccuracy of his scales and weights, and ceasing all weighing thereon until the same be tested and adjusted by the said inspector, at whose office notice in writing of the error in such scales and weights shall be left within forty-eight hours after the error in the same is found to exist.

Second. If any such weigher shall, through intent, issue any certificate of weighing which shall contain of gross or tare or net weight one hundred pounds more or less than the true gross or tare or net weight of the article weighed; or if any weigher shall deduct as tare the number of pounds marked on any wagon or other vehicle, without himself or other such lawful weigher having first weighed such wagon or other vehicle, and marked or stamped on it the true weight thereof, and the number of the wagon, together with his name, and the initials of the scales of which he is weigher, and the date of the weighing thereof; or if any such weigher shall mark or stamp, as last aforesaid, any wagon or other vehicle for a weight which is ten pounds more than the true standard weight thereof, at the time of such marking or stamping, with intent to defraud; or if any such weigher shall fail to demand of and charge every person presenting hay, stone coal, or anything to be weighed, the sum prescribed by ordinance to be paid therefor, no more, no less, before delivering the certificate of the weight thereof; or if any such weigher shall fail to keep a book or books, and enter therein daily, item by item, in legible handwriting, every load of hay or stone coal, and every other load or thing weighed, designating its kind, the gross, tare and net weight thereof, the owner and driver thereof, and the true amount of fees charged and received therefor; or if he should fail or refuse

at any time to permit all the books and papers belonging to his office to be examined by the mayor, comptroller, or any member of the common council, and to furnish them copies or extracts of any part thereof; or if any weigher of hay or stone coal, or any of his deputies, shall, directly or indirectly, in person or by another, be engaged in the buying or selling of hay or stone coal, or other article to be weighed, except so much as may be necessary for his private family use—in every such case, among others, a breach of such bond shall be deemed in law to be made; upon complaint whereof in writing, specifying the breach made, before the recorder of said city, it shall be the duty of the recorder to hear and entertain the same as other misdemeanors, according to ordinance, and, in case of conviction, adjudge a penalty of not less than fifty dollars, nor more than one hundred dollars, for every such breach, against such weigher, to be collected as provided in section three of this ordinance.

SEC. 3. No person pecuniarily interested as stockholder in scales whereat public weighing is done as aforesaid in the city and county of St. Louis, shall directly or indirectly, in person or by another, be engaged in the buying or selling of hay, stone coal, or other articles subject to be weighed, except so far as may be necessary for his own private family use, under a penalty of one hundred dollars for every violation of this section, to be recovered before the recorder; and upon conviction, the one-half of the fine to be paid to the complainant, and the other into the city treasury.

SEC. 4. Any weigher who shall be convicted twice before the recorder of a breach of his bond, shall, by virtue of his conviction, cease to be a weigher, from and after the day on which said second conviction is had.

SEC. 5. Any person who brings or sends into the city of St. Louis, for sale, any hay or stone coal, in any wagon or other vehicle, and actually sells, or offers the same for sale, without having first had the same, and the wagon or other vehicle containing the same, duly and legally weighed, and procuring a certificate of the weight thereof on the day or the day previous to which the same is sold or offered for sale,

Psalm 1 is a wisdom psalm that contrasts the way of the righteous with the way of the wicked. It begins with a beatitude, declaring the blessedness of the person who delights in the law of the LORD and meditates on it day and night. The righteous person is likened to a tree planted by streams of water, which yields its fruit in season and whose leaf does not wither. In all that he does, he prospers.

The wicked, by contrast, are like chaff that the wind drives away. They will not stand in the judgment, nor sinners in the congregation of the righteous. For the LORD knows the way of the righteous, but the way of the wicked will perish. The psalm thus presents a clear moral choice and its consequences, setting the tone for the entire collection.

Psalm 2 is a royal psalm that reflects on the rebellion of the nations against the LORD and his anointed king. The kings of the earth take counsel together against the LORD and against his anointed, saying, "Let us burst their bonds apart and cast away their cords from us." But the one who sits in the heavens laughs; the LORD holds them in derision.

Then he speaks to them in his wrath and terrifies them in his fury, saying, "As for me, I have set my king on Zion, my holy hill." The king declares the decree of the LORD: "You are my son; today I have begotten you. Ask of me, and I will make the nations your heritage, and the ends of the earth your possession."

Therefore the psalm warns the rulers of the earth to be wise and to serve the LORD with fear, and to kiss the son, lest he be angry and you perish in the way, for his wrath is quickly kindled. Blessed are all who take refuge in him.

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cases, as now by ordinance provided, except that the appeal must be taken within three days from the day of the judgment.

SEC. 9. Each weigher shall be entitled to demand and receive from the person having weighing done a fee, at the following rate, viz: For weighing and marking each empty wagon or other vehicle, as provided in section two of this ordinance, and registering the same and the number thereof on the registry in the weigher's office, twenty-five cents; for every load of stone coal containing forty bushels or less, ten cents; for every load containing more than forty and not over sixty-five bushels, twenty cents; and all loads containing more than sixty-five bushels, twenty-five cents; for every load of hay or other thing not elsewhere mentioned, twenty-five cents; provided, however, that ten cents only shall be charged for weighing each load of hay or stone coal, the tires of the wheels of the wagon containing which shall be four inches or more in width; for each animal weighed separately, five cents. Any weigher, in the city or county of St. Louis, who shall charge more or less than the fees allowed by this section for weighing any article, shall be fined not less than fifty dollars, nor more than one hundred dollars, to be collected and paid as provided in section three of this ordinance. No weigher shall deliver his certificate of weighing until the fee, according to the tariff, is first paid.

SEC. 10. No certificate of weighing issued from the office of any hay or coal scales in the city or county of St. Louis, in which any coal proprietor, miner, lessee, hauler, retailer or other person whatsoever interested, directly or indirectly, by himself or others, in the sale of coal, shall have stock or ownership, shall be good and valid in the city of St. Louis; but the person offering coal for sale with such certificate, shall be fined not less than fifty dollars, nor more than one hundred dollars, as provided in section three of this ordinance.

SEC. 11. Every person whosoever, interested as stockholder or owner, in whole or in part, in any public scales in the

city or county of St. Louis, shall, within twenty days after the approval of this ordinance, file with the register of the city a written statement, verified by his affidavit, of his quantity or amount of stock or ownership in such scales, whether he deals in the buying or selling of hay or stone coal, or is interested in any way, directly or indirectly, in such buying or selling, except for his own private family use; and in case of failure or refusal to comply with the provisions of this section, such scales shall be deemed to have forfeited the authority granted them, and the powers under which they act be absolutely revoked, and all weighing done thereat thereafter illegal; and every person issuing certificates of weighing, or offering hay or stone coal for sale with certificate from the forfeited scales or the weigher thereof, shall be fined as in the preceding section provided.

SEC. 12. It shall be the duty of every weigher appointed under this ordinance:

First. To attend at the office of the public scales for which he is appointed, from sunrise to sunset, of every day, (Sunday excepted) and to weigh every load of hay, stone coal, or other thing, which may be presented to be weighed, and to give the person presenting the same a certificate of gross' tare and net weight thereof.

Second. To enter in suitable books, in tabular form, every load of hay, stone coal, or other thing, weighed, designating the kind and weight thereof, and for whom weighed.

Third. To receive and receipt to the register for all blank certificates which he may use or obtain.

Fourth. To settle with the auditor, on the last Saturday of each month, for all blank certificates and all moneys received by him, and pay into the city treasury all such money received by him as weigher.

Fifth. To perform such duties, in the measurement of wood and otherwise, as may be required of him by ordinance.

SEC. 13. In weighing stone coal, the weigher shall compute eighty pounds avoirdupois to be a bushel, after making a

suitable deduction for slate and other foreign substances therein contained.

SEC. 14. No person shall buy or sell, or offer to sell, any hay or stone coal, in this city, until the same shall have been weighed by one of the regularly appointed weighers of the city, or by a weigher of one of the scales within this county, legally authorized, and a certificate of the weight thereof given, as herein required, under a penalty of fifty dollars for each load bought, sold or offered for sale, to be collected and paid as provided in section three.

SEC. 15. Any person who shall have had any article weighed as aforesaid, and received a certificate of the weight thereof, who shall sell a part thereof, and afterwards sell or offer to sell the remainder as for the quantity called for in his certificate; or shall change, alter, or in any manner falsify the certificate of the weigher; or shall suffer any of these things to be done, shall, upon conviction, forfeit and pay not less than fifty dollars, to be collected and paid as provided in section three.

SEC. 16. If any retailer or other person, sell or offer to sell a load of hay or [stone] coal, in the city, under pretence of a weigher's certificate, obtained under and by virtue of the weight of another and a different load from the one he sells or offers for sale, he shall pay a fine of not less than one hundred dollars, as provided in section three.

SEC. 17. Any weigher who keeps spirituous or other liquors of any kind in his office, for the purpose of treating the drivers of hay or coal teams, during the hours of weighing, or who treats them, or any of them, directly or indirectly, for the purpose of procuring weighing to be done at his scales, shall be fined fifty dollars for every such offense, payable as provided in section three.

SEC. 18. Any person offering for sale, in the city of St. Louis, any load of hay or stone coal, which has been weighed at scales not authorized to do public weighing by the ordinances of the City of St. Louis, or by the laws of the State of

(No. 4894.)

HEALTH DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE HEALTH DEPARTMENT.

Be it ordained by the Common Council of the City of St. Louis, as follows:

ARTICLE I.

Board of Health.

§ 1. Board of health, how constituted; term of office.
2. Members of board how and when elected.
3. Meetings of board; fine for absence.
4. Quorum of the board; president and clerk to be elected.
5. Duties of clerk.
6. General duties of the board.
7. Street inspectors; their duties in relation to the board.
8. Expenses incurred by street inspectors; to be reported to the board.
9. Privies, cellars, &c., to be examined and nuisances removed.
10. Slaughter houses to be examined and nuisances reported.
11. Board may employ assistants, establish hospitals, &c.
12. Small-pox, physicians to report cases of to health officer.
13. Contagious diseases, duties of board in relation to.
14. Infectious diseases, house containing cases of to be posted.
§ 15. Penalty for small-pox patient going at large.
16. Board to appoint physicians to vaccinate.
17. Term of appointment.
18. Fee for vaccination.
19. Record of vaccinations to be certified to board.
20. School teachers to require certificate of vaccination; penalty for violation of this section.
21. Penalty for failing to comply with regulations of the board.
22. Auditor to draw warrant for expenses certified by board.
23. Board to report to council expenses incurred by its authority.
24. Abatement of nuisances; proceedings in certifying and collecting expense of.
25. Accounts for expenses may be distrained for, or sued on.
26. Compensation of members.
27. Clerk to keep account of and certify attendance.

SECTION 1. There shall be constituted a board of health, to consist of five members, who shall be elected by the common council, and hold their office respectively for the term of one year, said members to be elected from the members of the common council. The health officer shall be *ex*

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officio a member of said board, but shall receive no additional compensation for his services as such member.

SEC. 2. The councilmen to serve as members of said board shall be elected by ballot at the first stated or called session of the common council of each year.

SEC. 3. The board of health shall meet in the city hall on the first Monday in each month, and at least once a week between the first day of May and November; and any member absenting himself from any meeting shall forfeit and pay to this city two dollars, unless the same should be remitted by said board for good cause shown, and any member absenting himself for a longer period than four weeks shall thereby vacate his seat.

SEC. 4. A majority of the members of said board, exclusive of the health officer, shall constitute a quorum at any meeting of the board. At the first meeting of the board of health in each year, said board shall elect, by ballot, a president, and, as soon thereafter as practicable, some fit and competent person, who shall be a regular graduated physician of some medical school in good standing, shall be chosen clerk thereof, who shall keep an office in the city hall, attend the meetings of said board, record its proceedings in suitable books, issue its orders, examine all applicants for admission into the hospital, and grant permits to such as are entitled to admission, and do and perform all such other duties as may be required of him by said board.

SEC. 5. The clerk of the board of health shall, whenever any sick person is sent to the city hospital or small-pox hospital, furnish to the keeper of each of the same the name in full of the deceased, the place of nativity, age, and place where taken sick; and it shall be the duty of the physician of the city hospital and the health officer to keep a full record of the name, date of death, name of disease, age, and place of nativity of all persons who shall die in the same; and it shall be the duty of each of the above named officers, and all other persons who shall send any dead bodies to the St. Louis cemetery for interment, to furnish the city with a

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ticket, giving, as far as practicable, the date of death, name of deceased, place of nativity, location where death occurred, name of disease, male or female.

SEC. 6. Said board shall exercise a general supervision over the health of the city, with full power to take all steps and use all measures necessary to promote the cleanliness and salubrity thereof; to abate nuisances of every description on public or private property; to prevent the introduction into the city of malignant, contagious or infectious diseases, and to remove or otherwise to dispose of any person attacked by any such disease, and to adopt, in reference to such persons, any regulations, restrictions or measures deemed advisable; and to establish rules and regulations for the government of the small-pox hospital, and to prevent the introduction or spreading of the small-pox within the city.

SEC. 7. It shall be the duty of the street inspectors to attend the meetings of the board of health in the city hall, and, within their respective districts, to serve all precepts and notices issued by said board, signed by the president, and attested by the clerk thereof; to execute all orders of said board directed to them; to attend to the abatement and removal of nuisances, and to perform such other duties in relation to nuisances as said board may direct; and as often, and in such manner as may be required of them, to examine the condition of all streets, lanes, avenues, alleys, market places, and public squares of the city, and report to said board all nuisances found therein; to notify persons upon whose premises, or premises occupied by them, any nuisance may exist, to remove the same, and if it be not removed forthwith, to make report thereof in writing to the said board; to visit at least once a week, and oftener when required by said board, every part of their respective districts; to arrest, in the same manner that one of the day or night guard could do, any person found violating any city ordinance which relates to the sanitary regulations of the city; and to watch for and arrest persons throwing, or permitting to be thrown, from their premises, into the streets and alleys, any

filth, or other matter prohibited by ordinance; and in oth
respects to exercise the utmost diligence in enforcing the
dinances in regard to their special department.

SEC. 8. The street inspectors shall keep a correct a
full account, in suitable books, of all expenses incurred, wi
whom, and on what account, and whether payable by t
city or by individuals, and a like account of all moneys e
pended, to whom paid, and on what account; and shall, at t
end of every month, render to the board of health an a
count of all expenses that may have accrued under their a
thority, and, upon the board certifying the correctness
the same, the auditor shall audit the same and issue his wa
rant therefor, payable out of appropriation for health d
partment.

SEC. 9. Said street inspectors are authorized to enter,
the daytime, and examine all cellars, privies, out-hous
slaughter-houses, yards, inclosures, and tenements, with
their respective districts; and wherever nuisances exist,
filth is suffered to accumulate, or water is found in any c
lar or basement under any building, to direct the owner
occupant of the premises forthwith to remove the same; a
if such removal be not so made, the fact shall be reported
the board of health. And permits may be granted by t
health officer or any member of the board of health
cleansing of privies or the removal of any nuisance: *Pro
ded*, no privy shall be emptied except as provided by or
nance in relation to nuisances.

SEC. 10. Each street inspector shall, at least once in eve
week, from the first of May to the first of November, ent
and examine every slaughter-house and yard within his d
trict, and report to the recorder any violation of ordinan
in relation thereto, and shall accompany such report with
list of names of the witnesses by whom the facts contain
in such report are expected to be proved.

SEC. 11. The board of health may employ such oth
officers, agents, servants, or assistants, and establish temp
rary hospitals, and provide the necessary furniture, me

cine, medical attendance, and nurses therefor, whenever, in the opinion of said board, the health of the city shall require it.

SEC. 12. It shall be the duty of every physician in the city to report to the health officer every case of small-pox or other contagious disease which he may be called on to attend within the limits of the city, or within ten miles of the same, within twelve hours after he shall have examined the patient, with the number of the house, name of occupant and street, under penalty, for failure to do so, of ten dollars.

SEC. 13. Whenever it shall appear to said board that any person has been attacked by any contagious disease, said board shall cause such person to be removed immediately to the small-pox hospital, or some other retired place; but if such person refuse to be removed, or if his or her condition is such that in the opinion of the health officer removal would be attended with danger, said board should take such measures as may be deemed advisable to prevent the spread of the contagion or infection, and to cause the diseased person to receive proper and humane attention.

SEC. 14. All persons having small-pox, or other contagious or infectious disease, in the city, who refuse to go, or cannot be taken therefrom, to small-pox hospital, city hospital, or other house or place which may be designated by the board of health, are hereby required to be kept closely confined within their respective dwellings or places of abode; and the board of health shall cause suitable notices, with the name or character of the disease printed or written in large letters thereon, to be posted up, in the most conspicuous place on or near such dwelling or place of abode in which such contagious or infectious disease exists, and require of the occupants thereof to maintain such notices there, until, in the opinion of the health officer, they may be safely discontinued; and any person failing to comply with the requirements of this section shall forfeit and pay a fine of not less than ten nor more than one hundred dollars.

SEC. 15. If any person shall leave his or her place of

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the amount, taking the receipt of the person in whose favor the warrant is drawn.

SEC. 23. Said board shall keep in proper books full and correct accounts of all expenses incurred by its authority, specifying the time when, the amount, the purpose to which applied, and the person through whom the same were incurred, and designating such items as are to be refunded by the owners or occupants of property; and shall, on the first day of each stated session of the council, report to that body a specific account of all such expenses incurred since the preceding report.

SEC. 24. All expenses incurred by order of the said board of health in the abatement of nuisances on private property shall be a special tax on the property upon which said nuisance existed; and so soon as the work or labor is performed, the contractor or person doing the work shall present his bill therefor to the said board, which shall be by them first examined, and if found correct, shall so certify thereon and immediately cause the same to be placed in the hands of the collector of the ward in which said work was done, who shall receipt for the same in duplicate, leaving one with the clerk of the said board, and delivering the other to the city auditor, and said collector shall immediately notify the owner of the said property that the account for abating the nuisance is in his hands for collection, and if the same is not paid within thirty days from the date of said notice, the same will be returned to the city auditor and he will be charged fifteen per cent. on the same; and if within the thirty days the said bill is not paid to the collector, he shall return the same to the auditor, who shall add the fifteen per cent. thereto, and proceed to collect the same as provided by ordinance for the collection of other delinquent taxes; and when the same is collected either by the auditor, collector, or comptroller, the same shall be paid into the city treasury and placed to the appropriation of the board of health. If the said bill is not paid within thirty days, or before its return to the auditor, it shall then be paid by

the city and charged to the appropriation for the board of health.

SEC. 25. The sum or amount of any account so placed in the hands of the collector, may be collected or distrained for in all respects as any general or special tax or taxes authorized to be levied and collected by the city; but said board may, in their discretion, order suit to be brought thereon, instead of proceeding against the property.

SEC. 26. Each elective member of said board shall receive, as full compensation for his services, two dollars for each day he shall attend the meetings thereof; but no councilman shall receive pay for attending a meeting of said board and a regular or stated meeting of the council on the same day, and no excuse for absence shall entitle a member to receive his per diem on any allowance when so absent from a meeting of the board.

SEC. 27. The clerk of said board shall keep a correct account of the days of attendance of each member thereof, and certify every three months the amount due each, after deducting unremitted fines for non-attendance; and the city auditor shall audit the accounts so certified, and draw his warrant on the treasurer therefor.

ARTICLE II.

Health Officer.

§ 1. Health officer; term of office. | § 2. Duties of health officer.

SECTION 1. There shall be a health officer of this city, who shall hold his office for one year, commencing on the first day of January.

SEC. 2. It shall be the duty of the health officer, *first*, to have and exercise a general supervision over the sanitary condition of the city, and to report to the board of health all nuisances, the prevalence of any epidemic, contagious or infectious disease, or other causes which, in his opinion, are likely to be detrimental to the general health; *second*, to keep on hand, at all times, a sufficient supply of genuine vaccine matter, and to see that all persons, so far as he may

have it in his power, are properly vaccinated, especially those in the vicinity of any person attacked by small-pox; *third*, upon being informed of the existence or introduction of any contagious or infectious disease within the city, to inquire immediately into the facts and report the same to the board of health; *fourth*, to see that orders of the board of health, in relation to any person attacked by a contagious disease, are obeyed; *fifth*, to superintend the small-pox hospital, and administer to all persons conveyed there who have no other physician; *sixth*, to visit and administer medicine to prisoners sick in the city workhouse, the house of refuge, and in the calaboose; *seventh*, to attend the meetings of the board of health, and act as a member of said board; *eighth*, to examine, at the request of the mayor, or the president or clerk of the board of health, boats and vessels coming into port, the officers, crews, or passengers of which may be supposed to be affected by any contagious or infectious disease.

ARTICLE III.

City Hospital.

§ 1. Powers and duties of the board with regard to city hospital.
2. Resident physician to be appointed; his powers and duties.
3. Physician and assistants to receive board and washing; who authorized to discharge patients.
4. Consulting physicians to be appointed; their duties.
5. How and when students of medicine to be admitted to hospital.
§ 6. Board may suspend privilege of students.
7. Steward and matron to be appointed.
8. Small purchases for hospital, how paid for.
9. Steward to produce vouchers for expenditures.
10. Disbursements, how and by whom to be made.

SECTION 1. The board of health shall have the general superintendence and management of the city hospital, and exercise a supervision and control over all the officers connected with or employed at the same, and shall meet at the hospital at least once a month, on such day and at such time as may be fixed on by said board. Said board shall examine the accounts of the steward and apothecary, and, if approved, shall certify the same by their president, as also all other

accounts for services rendered, or articles furnished said hospital, under the direction of said board, to the auditor, who shall draw his warrant on the treasurer therefor. Said board shall prescribe the conditions of admission to said hospital; decide on the number of male and female assistants to be employed, and their compensation; and shall, in conjunction with the resident physician, make all necessary rules and regulations for the government and management of said hospital. It shall be the duty of said board to report to the common council, at [its] first meetings in May and October of each year giving a particular account of the affairs of said institution, for the preceding six months, together with such suggestions or recommendations as they may deem proper.

SEC. 2. There shall be appointed by the mayor, by and with the consent of the board of common council, a resident physician, to serve for one year, and until his successor shall be duly appointed and qualified, who shall live in the hospital, and shall devote the whole of his time to the service of the hospital, and not pursue private practice so long as he shall hold his office; he shall visit all patients at least twice a day, and prepare, or cause to be prepared under his supervision, all medicines prescribed by him, and generally exercise a proper control of the medical department of said hospital. He may also, with the consent of the board of health, employ one and not more than three assistants, one of whom shall be a German, or speak the German language, who shall be graduates of some medical school of the city, to act as apothecaries, under the control and supervision of said resident physician, and perform such other duties as may be required of them.

SEC. 3. Said resident physician and his assistants shall receive boarding and washing at the hospital, and the resident physician and board of health are alone authorized to discharge patients from the hospital.

SEC. 4. The board of health, at their first meeting, or as soon thereafter as practicable, shall appoint six consulting physicians, to be selected in equal numbers from the medi-

cal schools of this city, whose duty it shall be, respectively, to meet the resident physician at the hospital, when thereto required by him, by notice, in writing, to be given in reasonable time, to consult with and assist him when he deems it necessary. Said consulting physicians being duly notified of their appointment, shall file their acceptance of said office within ten days after such notice.

SEC. 5. Students of medicine may, when accompanied by any professor of any of the medical colleges in this State, be admitted to the wards and lecture rooms of the hospital, at such hours and days of the week as may be designated by the board of health; but no lecture shall be held in presence of the patients in said hospital.

SEC. 6. Said board shall have power to suspend the exercise of the privilege herein granted to the medical schools, for any violation of established rules, or for any failure to comply with the provisions of this ordinance.

SEC. 7. There shall be nominated by the mayor, and with the consent of the [board of] common council appointed, a steward and matron, to serve for one year, from the first day of January in each year, and until their successors are appointed and qualified, who shall have the superintendence of the domestic affairs of said hospital, and receive their board and washing at the hospital.

SEC. 8. The auditor is hereby authorized and directed, when thereto required, in writing, not oftener than once each month, to draw his warrant in favor of the steward of the city hospital, in a sum not exceeding one hundred dollars, to pay for such small purchases of vegetables and other things as may be needed for daily consumption therein, and charge the same to said steward.

SEC. 9. In his monthly settlement with the board of health, the steward shall furnish an account of his supplies, as aforesaid, with vouchers in support thereof, as far as it shall be practicable to obtain them; and when said accounts shall be approved by said board, it shall be the duty of the auditor,

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Printed in the United States of America

Available from
National Technical Information Service
U.S. Department of Commerce
5285 Port Royal Road
Springfield, VA 22161
Price: Printed Copy $4.00; Microfiche $2.25

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SEC. 2. The mayor and board of health may employ a physician, whose compensation shall not exceed $800 per annum, who shall be a regular graduate of some medical school, shall reside at quarantine, where he shall receive board and washing, and perform all the duties required of him as quarantine physician and steward, &c.

SEC. 3. The physician shall be in attendance at all times at the station, to examine boats, give permits, receive sick persons, or such emigrants or others as the quarantine regulations require to be landed, and to perform all services required of him by ordinance, or the instructions of the board of health. When there are patients in the hospital requiring attention, the physician shall remain constantly at the station, and visit and prescribe for such patients as is required of the physician at the city hospital; and in all things the said physician shall be governed by the rules and regulations established and observed at the city hospital, so far as the same are applicable, or may be deemed necessary by the board of health.

SEC. 4. The said hospital shall be conducted, as nearly as may be, in the same manner as the city hospital; shall be under the management and control of the board of health, who shall pass and certify to all accounts thereof, and the expenses shall be paid out of appropriations for hospitals.

SEC. 5. All boats coming to or bound for the city of St. Louis, from south of the town of Chester, in the State of Illinois, shall, before such boat or vessel can land at the wharf or discharge her cargo within the limits of the city, touch at the quarantine and land all emigrants or others recently from shipboard, and all sick, diseased, or unclean persons, with their stores and baggage, provided the officers stationed at the quarantine shall so order, or it may be necessary, on account of cholera, ship fever, small-pox, yellow fever, or any communicable disease amongst the passengers or crews of such boat for the same to be landed, to relieve the master or person in charge of such vessel from the penalty hereinafter provided against masters or owners of all boats or

vessels who shall, knowingly, land or bring into the city limits any person or persons sick of cholera, ship fever, small-pox, or any communicable disease of a fatal or dangerous character.

SEC. 6. Any steamboat coming from New Orleans, or any point below the city of Memphis, having on board on her arrival within the quarantine limits, or having on board at any time during her voyage, a greater number of deck or steerage passengers than twenty for each hundred tons registered of such steamboat, between the first of April and first of November, or a greater number than thirty per hundred tons registered at any other season of the year, shall be detained at the quarantine station, for the purpose of cleansing and purification, not less than forty-eight hours, nor more than twenty days, at the discretion of the quarantine officer and board of health; provided, however, it shall be in the power of the quarantine officer to discriminate in favor of those boats which are constructed without cabins, or with only a few rooms on the upper deck, with a special view to the accommodation of a large number of steerage passengers; and in such cases, if the room thus intended for deck passengers is not occupied with freight, but is reserved for their use exclusively, fifty per cent. more passengers may be allowed than is permitted to boats not thus constructed.

SEC. 7. The master of any boat, landing a part of his deck passengers within the quarantine limits, or at any point below, to bring his number within the regulation, and thus getting his boat by the quarantine without detention, shall, on proof of the fact before the recorder, be fined in a sum not less than one hundred dollars nor more than five hundred dollars; and the boat may, on the order of the board of health, be forced to return to the quarantine station, and remain any length of time not exceeding twenty days. And when a boat coming from the Ohio river [or elsewhere], shall take passengers from a New Orleans boat, for the purpose of enabling such boat to pass the quarantine; or, where cholera, ship fever, small-pox, or any contagious or communicable

disease may prevail amongst the passengers so taken from a southern boat, such Ohio river boat, or other boat bringing said passengers, shall be detained at the quarantine station any number of days not exceeding twenty, at the pleasure of the board of health, and the master shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars.

SEC. 8. The physician at the quarantine station shall have power to administer oaths to the master, officers, crew, or passengers of any steamboat, touching any infringement of the quarantine regulations, or other matters connected with the duties of his office; and it shall be the duty of the quarantine physician to give immediate notice to the mayor of any master of a steamboat having disregarded the provisions of this ordinance.

SEC. 9. Whenever the physician in charge of the quarantine shall be satisfied that there is no cause for detention of any vessel touching at quarantine, or such vessel shall have landed all passengers coming under the provisions of this ordinance, or any future regulation established by ordinance, and shall have been thoroughly cleansed to the satisfaction of the quarantine officer, such vessel shall receive a permit to enter the city. The said officer shall also give to persons in quarantine, when satisfied that themselves are free from disease, and their baggage and effects properly washed, cleansed, and purified, a certificate to that effect; and such certificate, when endorsed and approved by the mayor, shall authorize and permit such persons to depart from the quarantine. But the mayor, in case of the prevalence of cholera or ship fever in the city, shall have power to withhold his endorsement and approval of such certificate until, in his opinion, the health of the city will justify the admission of emigrants and others peculiarly liable to said disease into the same.

SEC. 10. Any person placed in quarantine who shall leave the same without a certificate approved and endorsed as in the last section required, shall be liable to a penalty of not

2.1. Proposition. Let $\mathcal{A}$ be a Boolean algebra and let $\mathcal{I}$ be a subset of $\mathcal{A}$. Then $\mathcal{I}$ is a maximal ideal if and only if $\mathcal{I}$ is a proper ideal and for each $a \in \mathcal{A}$ either $a \in \mathcal{I}$ or $a' \in \mathcal{I}$.

Proof. Suppose $\mathcal{I}$ is a maximal ideal and $a \notin \mathcal{I}$. Then $\mathcal{I} \vee (a]$ is the ideal generated by $\mathcal{I} \cup \{a\}$, so $\mathcal{I} \vee (a] = \mathcal{A}$. Hence $0 = x \wedge a'$ for some $x \in \mathcal{I}$. Then $x \leq a$, so $a' \in \mathcal{I}$.

Conversely, suppose $\mathcal{I}$ is a proper ideal and for each $a \in \mathcal{A}$ either $a \in \mathcal{I}$ or $a' \in \mathcal{I}$. Suppose $\mathcal{J}$ is an ideal and $\mathcal{I} \subset \mathcal{J}$. Then there is an $a \in \mathcal{J}$ with $a \notin \mathcal{I}$. Hence $a' \in \mathcal{I}$, so $a' \in \mathcal{J}$. Thus $1 = a \vee a' \in \mathcal{J}$, so $\mathcal{J} = \mathcal{A}$. Hence $\mathcal{I}$ is a maximal ideal.

2.2. Proposition. Let $\mathcal{A}$ be a Boolean algebra and let $\mathcal{I}$ be a proper ideal of $\mathcal{A}$. Then $\mathcal{I}$ is a prime ideal if and only if $\mathcal{I}$ is a maximal ideal.

Proof. Suppose $\mathcal{I}$ is a prime ideal and $a \notin \mathcal{I}$. Then $a \wedge a' = 0 \in \mathcal{I}$, so $a' \in \mathcal{I}$. Hence $\mathcal{I}$ is a maximal ideal.

Conversely, suppose $\mathcal{I}$ is a maximal ideal and $a \wedge b \in \mathcal{I}$. Suppose $a \notin \mathcal{I}$. Then $a' \in \mathcal{I}$, so $a' \vee b \in \mathcal{I}$. Hence $a \to b \in \mathcal{I}$, so $a \leq a \wedge (a \to b) \leq b$. Thus $b \in \mathcal{I}$. Hence $\mathcal{I}$ is a prime ideal.

Ego vero, quamvis ad Dei gratiam, quae hominem ad bonum impellit, non tantum ut ad auxilium, sed etiam ut ad causam efficientem, quae ipsum bonum efficit, respiciam, tamen ipsum bonum non nisi ab homine fieri statuo. Quia Deus, qui omnia potest, non vult ea facere, quae homo ipse facere potest. Deus enim, qui hominem ad imaginem suam creavit, ei libertatem dedit, ut ipse quoque causa sui esset. Quare Deus non vult facere, quod homo facere debet. Deus enim vult, ut homo sit causa sui, et ideo vult, ut homo faciat, quod facere debet. Deus enim vult, ut homo sit causa sui, et ideo vult, ut homo faciat, quod facere debet. Deus enim vult, ut homo sit causa sui, et ideo vult, ut homo faciat, quod facere debet.

Fig. 1. Diagram of the apparatus used for the measurement of the rate of oxidation of hydrogen sulphide by oxygen. The reaction vessel is shown at A, the manometer at B, the gas burette at C, the mercury reservoir at D, the pipette containing potassium hydroxide solution at E, the pipette containing hydrogen sulphide at F, the pipette containing oxygen at G, the pipette containing nitrogen at H, the pipette containing hydrogen at I, the pipette containing carbon dioxide at J, the pipette containing water at K, the pipette containing sodium hydroxide solution at L, the pipette containing sodium hydrogen sulphite solution at M, the pipette containing sodium hydrogen carbonate solution at N, the pipette containing sodium hydrogen sulphate solution at O, the pipette containing sodium hydrogen phosphate solution at P, the pipette containing sodium hydrogen arsenate solution at Q, the pipette containing sodium hydrogen antimonate solution at R, the pipette containing sodium hydrogen bismuthate solution at S, the pipette containing sodium hydrogen vanadate solution at T, the pipette containing sodium hydrogen chromate solution at U, the pipette containing sodium hydrogen molybdate solution at V, the pipette containing sodium hydrogen tungstate solution at W, the pipette containing sodium hydrogen uranate solution at X, the pipette containing sodium hydrogen manganate solution at Y, the pipette containing sodium hydrogen ferrate solution at Z, the pipette containing sodium hydrogen cobaltate solution at AA, the pipette containing sodium hydrogen nickelate solution at BB, the pipette containing sodium hydrogen cuprate solution at CC, the pipette containing sodium hydrogen zincate solution at DD, the pipette containing sodium hydrogen cadmate solution at EE, the pipette containing sodium hydrogen mercurate solution at FF, the pipette containing sodium hydrogen aluminate solution at GG, the pipette containing sodium hydrogen gallate solution at HH, the pipette containing sodium hydrogen indate solution at II, the pipette containing sodium hydrogen thallate solution at JJ, the pipette containing sodium hydrogen germanate solution at KK, the pipette containing sodium hydrogen stannate solution at LL, the pipette containing sodium hydrogen plumbate solution at MM, the pipette containing sodium hydrogen arsenite solution at NN, the pipette containing sodium hydrogen antimonite solution at OO, the pipette containing sodium hydrogen bismuthite solution at PP, the pipette containing sodium hydrogen vanadite solution at QQ, the pipette containing sodium hydrogen chromite solution at RR, the pipette containing sodium hydrogen molybdite solution at SS, the pipette containing sodium hydrogen tungstite solution at TT, the pipette containing sodium hydrogen uranite solution at UU, the pipette containing sodium hydrogen manganite solution at VV, the pipette containing sodium hydrogen ferrite solution at WW, the pipette containing sodium hydrogen cobaltite solution at XX, the pipette containing sodium hydrogen nickelite solution at YY, the pipette containing sodium hydrogen cuprite solution at ZZ, the pipette containing sodium hydrogen zincite solution at AAA, the pipette containing sodium hydrogen cadmite solution at BBB, the pipette containing sodium hydrogen mercurite solution at CCC, the pipette containing sodium hydrogen aluminite solution at DDD, the pipette containing sodium hydrogen gallite solution at EEE, the pipette containing sodium hydrogen indite solution at FFF, the pipette containing sodium hydrogen thallite solution at GGG, the pipette containing sodium hydrogen germanite solution at HHH, the pipette containing sodium hydrogen stannite solution at III, the pipette containing sodium hydrogen plumbite solution at JJJ, the pipette containing sodium hydrogen arsenide solution at KKK, the pipette containing sodium hydrogen antimonide solution at LLL, the pipette containing sodium hydrogen bismuthide solution at MMM, the pipette containing sodium hydrogen vanadide solution at NNN, the pipette containing sodium hydrogen chromide solution at OOO, 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ARTICLE V.

Cemeteries.

§ 1. City cemetery established; where located.
2. How laid off and divided.
3. Board may employ sexton; his duties.
4. Assistant sextons may be employed; compensation.
5. Interments prohibited in portions of cemeteries required for streets.
§ 6. Interments prohibited after certain date.
7. Engineer to give information concerning extension of streets through cemeteries.
8. New cemeteries prohibited within two miles of city.
9. Penalty for breach of ordinance.

SECTION 1. A portion of those grounds purchased by the City of St. Louis from Augustus Langhkopf, by deed bearing date July seventh, eighteen hundred and fifty-four, now used for quarantine purposes, are hereby set apart as a place of public interment, to be known and designated by the name of the St. Louis city cemetery.

SEC. 2. So much of said grounds, herein above designated, as may be necessary, shall be laid off into divisions by the board of health, in manner following: First—one portion for the interment of white persons. Second—one portion for the interment of people of color.

SEC. 3. The board of health may employ a sexton of said cemetery when it becomes necessary, who shall reside on said grounds, and shall be bound to be at all times in readiness, by himself or some other person acting for him, to perform the duties pertaining to his office as sexton; and it shall be his duty, *first*, to keep and preserve the grounds, buildings, fences, and other property pertaining to said grounds, in repair; *second*, to report to the board of health, from time to time, any repairs deemed necessary, and, when ordered, to superintend the same; *third*, to prevent trespass on said grounds, and to preserve, as far as practicable, from being defaced, injured, or destroyed, any tombstone, monuments, vaults, inclosures, or other things erected within said cemetery; *fourth*, to keep the walks and avenues in said cemetery clear and free from brush, weeds, or other incum-

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brances; *fifth*, to keep a register, in an appropriate book, with an alphabetical index thereof, of all persons who may be buried in said cemetery, giving, as far as practicable, the name, age, color, sex, place of birth, place of residence, and disease, or manner of death; *sixth*, to deliver to the clerk of the board of health, on or before ten o'clock of every Saturday morning, all the certificates received since his previous report; *seventh*, to collect for all persons interred, who are not buried at the expense of the city, the charges of interment; *eighth*, to settle with the city register on the last Saturday in each month, and pay over to the city treasurer all moneys in his hands belonging to the city, and file the treasurer's receipt with the city auditor on or before ten o'clock of the Monday following; *ninth*, to dig, or cause to be dug, all graves in the said cemetery, attend to the interment of all persons therein, and fill up and preserve all graves therein; (every grave shall be at least five feet six inches deep;) *tenth*, to deliver to his successor in office the registry, all books, papers and property, and the possession of the buildings and grounds herein designated; (persons desiring to bury any dead in any division of the cemetery different from those set apart for the dead interred at the expense of the city shall make application to the steward of quarantine for leave, and shall furnish him with a statement of the name, age, sex, place of birth, residence and disease or cause of the death of the person to be interred;) *eleventh*, to enter in his register the day when, and place where, death occurred, and where the body is interred in the cemetery grounds, and to number each grave.

Sec. 4. The board of health may employ individuals to assist the sexton at any time when, in its opinion, the labor to be performed at said grounds is more than one person can perform; the compensation for each person so employed shall be such an amount as the board of health may approve.

Sec. 5. Interments within so much of any cemetery in the city as shall be required for streets, or for the extension

of any street at present established, are hereby prohibited from and after the first day of June, 1859.

SEC. 6. Interments within any portion whatever of any of said cemeteries are hereby prohibited from and after first day of June, 1865.

SEC. 7. It is hereby made the duty of the city engineer, whenever applied to for the purpose by persons interested in or having charge or control of any of said cemeteries, to give such information as will enable them to know what portions thereof will be needed for streets, or the extension of streets, as mentioned in the first section hereof: *Provided*, the foregoing provisions shall not be construed as extending to any cemetery to which the State legislature may have granted reserved rights conflicting therewith.

SEC. 8. No new cemetery shall be established at a less distance than two miles from the city.

SEC. 9. Any person or persons violating any of the provisions of this ordinance shall forfeit and pay to the City of St. Louis a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each offence, to be recovered as other fines for breaches of city ordinances.

ARTICLE VI.

Bills of Mortality.

§ 1. Duty of clerk of board to enforce acts concerning bills of mortality.
2. Clerk to provide sextons with blank books; to keep and publish abstract of deaths.
3. Form of published abstracts.
4. Sextons to report weekly; penal clause.
§ 5. Physicians' certificates and sextons' reports to state length of time deceased (if of foreign birth) resided in the county, and locality of death.
6. Clerk to keep printed blank certificates.
7. Clerk to report physicians and sextons to recorder, when; penal clause.

SECTION 1. It shall be the duty of the clerk of the board of health to see that the act of the general assembly of the State of Missouri, entitled "An act concerning bills of mortality of the City of St. Louis and its suburbs," approved February twenty-fifth, eighteen hundred and forty-three, [be]

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carried into effect; and to cause suit to be brought against all overseers, sextons, or physicians, who fail to comply with the provisions of said act.

SEC. 2. The clerk of the board of health shall furnish each overseer or sexton of any graveyard within four miles of the city limits, with a blank book with appropriate columns to enter the facts required by said act as well as the provisions of this ordinance to be recorded, and with blank certificates with appropriate columns for the entry of said facts, and he shall enter in a suitable book all the certificates received from any overseer or sexton in conformity with said act, and shall publish the total weekly mortality as reported to him by the sextons of the several cemeteries within four miles of the city; stating the total number of white males, white females, free colored persons and slaves, who died during the week previous to said publication; the total number under and above five years of age; the total number who died of cholera, small-pox or ship fever, and the total number who died at the City, St. Louis, or other hospitals.

SEC. 3. In such abstracts the deaths shall be set forth under the following heads, namely: White males, white females, free colored, and slaves.

SEC. 4. The sextons of the several cemeteries shall deliver to the clerk, at his office, their weekly reports of interments, at or before the hour of two o'clock in the afternoon of Saturday of each and every week; and any sexton failing or refusing so to do, shall forfeit and pay a fine of ten dollars for every such failure or refusal, to be recovered as other penalties for breaches of ordinances.

SEC. 5. It shall be the duty of the physicians, in their certificates of deaths to the sextons, and of the sextons in their books kept at the graveyards, and in the weekly reports they make to the clerk, to specify the length of time in which the deceased, if of foreign birth, resided in this country, also the exact locality where the death occurred in the city.

SEC. 6. The clerk of the board of health shall cause to

be printed a sufficient number of blank certificates, containing in suitable columns the facts required above, which certificates he shall keep in his office, subject to the order of physicians.

SEC. 7. It shall be the duty of the clerk of the board of health to report to the city recorder all physicians and sextons of cemeteries who fail to comply with the requirements of this ordinance, and for the first failure the recorder shall impose a fine of not less than three dollars nor more than five dollars upon the delinquent, and for every subsequent failure the fine imposed shall not be less than five dollars nor more than twenty dollars.

ARTICLE VII.

Insane Persons and Paupers.

§ 1. Penalty for bringing insane persons and paupers into the city.
2. Violation of ordinace to be reported.
3. City marshal to arrest offender.
§ 4. Duty of officers to give notice of insane person at large.
5. Mad persons to be confined; expenses how paid.

SECTION 1. The conductor or person in charge of any railroad car or train of railroad cars, or the master or person in charge of any steamboat or other vessel, or the owner or driver of any wagon or other vehicle, who shall bring into the city of St. Louis a person or persons who are insane or paupers, who are likely to become a charge to the city, shall be liable to a fine of not less than twenty-five nor more than three hundred dollars for each and every offense; in addition to which penalty, the persons so offending shall be required to enter into bonds before the recorder, of not less than five hundred dollars nor more than one thousand dollars, to defray the expenses of the insane or pauper thus brought, so long as they remain in the city, as also to pay the price of their conveyance back to the point whence they were taken.

SEC. 2. It shall be the duty of the health officer, and of the clerk of the board of health, and of the day and night

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guards, and all other police officers, to report to the city recorder any violation of this ordinance.

SEC. 3. It shall be the duty of the city marshal, whenever complaint is made before the recorder of a violation of any of the provisions of this ordinance, to arrest the offender forthwith, and bring him, without delay, before the recorder, for trial.

SEC. 4. It shall be the duty of the city marshal, night guard, and day police, if any idot, lunatic, or person of unsound mind, be found by them within the city of St. Louis, unprotected by a guardian or friend, then he or they shall give notice thereof, forthwith, to the mayor, register, or recorder, whose duty it shall be to inform the county commissioners, or, in vacation of said commissioners, the presiding justice thereof, in writing, that such idiot, lunatic, or insane person, is at large, and unprovided for in the city of St. Louis.

SEC. 5. That if any such insane person, as cited in the foregoing first section, shall be furiously mad, or so far disordered in his mind as to endanger his own person, or the person or property of others, then he or she shall be confined in some suitable place, and a notice thereof in writing, as aforesaid, given; and a bill for all expenses necessary in providing for the persons herein mentioned shall be, with the proper vouchers, presented to the county commissioners of St. Louis county, for payment.

ARTICLE VIII.

Nuisances.

§ 1. Privies regulated.
2. Tenement not provided with privy, engineer to cause one to be built; cost of same to be special tax on tenement.
3. Privies not to be emptied between certain times.
4. Tubs to be emptied, how often.
5. Hours fixed for emptying privies.
6. House offal, how disposed of.
7. Throwing animal or vegetable substace into the streets forbidden.
§ 8. Conducting filth or unclean water into streets forbidden.
9. Livery stables, provisions respecting.
10. Slaughter-houses regulated.
11. Slaughter-houses to be whitewashed.
12. Distillers, soap boilers, &c., not to discharge, from house, foul liquor, &c.

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§ 13. No soap boiler or tallow chandler to collect stale or putrid fat.
14. No person to keep hogs in a pen in the city.
15. Dead animals, &c., not to be deposited in the city.
16. Green and salted hides not to be placed on any open place.
17. Powers and duties of street inspectors in regard to nuisances.
§ 18. Hogs running at large declared a nuisance.
19. Marshal to impound hogs running at large.
20. Marshal to sell hogs impounded, when.
21. Duty of marshal and assistants.
22. Expenses for taking up and selling hogs restricted.
23. Penalty for keeping hogs in an enclosure in the city.
24. Goats running at large a nuisance; penal clause.

SECTION 1. Each and every tenement within this city, used as a dwelling house, shall be furnished with a suitable privy, the vault of which shall be sunk under ground at least ten feet deep, and walled up with brick or stone, and shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of the adjoining lot shall otherwise agree, and also the same distance from every street, lane or avenue.

SEC. 2. The mayor, upon being satisfied that any tenement so used is not provided with suitable privy, shall give notice, in writing, to the owner thereof, or his agent, if either be an inhabitant of this city; or if otherwise, public notice in the newspapers employed by the city, requiring such owner or agent, within a time to be designated by the city engineer, to cause a proper and sufficient privy to be constructed for such tenement; and in case of neglect or refusal to obey such notice, the city engineer shall cause such privy to be made for such tenement, and charged as a special tax upon such tenement and the ground attached thereto, to be levied and collected as other special taxes.

SEC. 3. No privy shall be emptied between the fifteenth day of June and the fifteenth day of September, unless, on inspection, the engineer or health officer shall be satisfied that the same is absolutely necessary for the health and comfort of the inhabitants; and, in such case, no more of the contents of such privy shall be taken away than shall be deemed absolutely necessary for present safety and relief;

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and with such precautions, relative to the preventing of any offensive effluvia, as the mayor shall direct.

SEC. 4. The owner or occupant of any premises where tubs or other vessels are used in a privy, shall not permit the same to remain more than two days without being emptied.

SEC. 5. No privy shall be emptied at any other time than between the hours of twelve P. M. and four A. M.

SEC. 6. All house offal, whether consisting of animal or vegetable substances, shall be deposited in convenient vessels, and kept in some convenient place, to be taken away by the city scavengers.

SEC. 7. No person shall throw into any highway, thoroughfare, or other public place, any animal or vegetable substance whatever, or any straw, hay, ashes, soot, or any article or substance whatever.

SEC. 8. No person shall conduct into any highway, thoroughfare, or other public place, any filth or unclean water from his house, kitchen, or other tenement, or suffer any such water to escape from his premises upon any such place.

SEC. 9. The owner or occupant of any livery or other stable within this city shall keep his stable and stable yard clean, and shall not permit more than two cart-loads of manure to accumulate and remain in or near the same at any one time, between the first day of May and the first day of November; nor shall he wash or clean any carriage or horse, or cause it to be washed or cleaned, on any street, sidewalk, or other public place, nor suffer any water used in washing horses or carriages to flow over and spread on any sidewalk.

SEC. 10. No butcher, or other person, shall kill or slaughter any beeves, sheep, or other animals, within this city, unless the house, yard, pen, or place where such killing shall take place, be provided with a tight plank floor, or be paved with brick or stone; if paved with brick or stone, then the earth below it shall be made sufficiently solid to prevent its becoming a receptacle of filth and offensive matter. The pavement, in every case, shall be made with a descent to-

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wards a gutter, which shall pass through the same, and leading to a tub or reservoir, which shall be placed to receive the blood and offal passing therein, which shall be emptied, at the end of each day when killing has been done on the premises, at such place as that no offensive effluvia shall arise therefrom.

SEC. 11. Every slaughter-house shall be whitewashed at least once in each month, between the first of April and the first of November.

SEC. 12. No distiller, soap boiler, tallow chandler, or dyer, in this city, shall, himself or by another, discharge out of or from any still-house or work-shop, foul or nauseous liquor of any kind whatever, into or upon any adjacent ground, or into any street, alley, or other public place.

SEC. 13. No soap boiler or tallow chandler shall keep, collect, or use, or cause to be kept, collected or used in the city, any stale, putrid or stinking fat or grease, or other matter.

SEC. 14. No distiller, or other person, shall collect or keep any hog or hogs in a pen, or otherwise confine any hog or hogs in this city, so as to annoy or offend any person.

SEC. 15. No person shall deposit any dead animal, or excrement, or filth from privies, upon any ground in this city.

SEC. 16. No person shall, in this city, place any green, unsalted hides in any house, store, cellar, shed, yard, or any open or unopened place, for the purpose of storage, shipment or otherwise.

SEC. 17. The street inspector, or such other officers or agents as may be designated or employed by the board of health for that purpose, are authorized to enter and examine all cellars and other places within the city. If they shall find any offensive substance, or stagnant or filthy water, to cause the same to be removed at the expense of the owner or occupier of the premises, unless such owner or occupier, upon notice, immediately cause the same to be removed.

SEC. 18. That hogs running at large in the streets and other public places within the limits of the city, be and are hereby declared to be a nuisance.

SEC. 19. No hogs of any description shall be permitted to run at large within the limits of the city of St. Louis; and all hogs or pigs thus found shall be taken up by the city marshal, and placed in some secure pen or pound, to be by him provided for that purpose.

SEC. 20. When any hog or hogs, pig or pigs, are thus taken up, it shall be lawful for the city marshal, and it is hereby made his duty, to sell the same at auction, to the highest bidder, for cash, after having given three days' notice by handbills stuck up in two or more of the most public places in each ward of the city of St. Louis, notifying the public of the time and place of such sale; and the money arising therefrom shall, after the expense of taking up and selling the same are deducted, be paid over to the owner or owners, on their proving to the satisfaction of the city marshal that the property of such hog or hogs, pig or pigs, is in them; but if no owner appear, the said money, after deducting the costs aforesaid, shall be paid into the city treasury.

SEC. 21. It shall be the duty of the city marshal, at all times, to take up any and all hogs or pigs running at large within above described limits, and employ two or more persons to aid him in carrying into effect the provisions of this ordinance.

SEC. 22. All expenses for taking up and selling hogs or pigs shall not exceed two dollars per head.

SEC. 23. Hereafter it shall not be lawful for any person or persons to keep in any enclosure or otherwise, any hogs within the limits of the the city of St. Louis; and the owner or owners, consignee or agent of any hogs so kept, shall forfeit and pay a sum not less than one dollar, nor more than five dollars, for each hog; which fine shall be collected as other fines, and paid into the city treasury.

SEC. 24. Goats found running at large in the streets or other public places of this city are declared to be a public nuisance, and if any goat shall be found going at large as as aforesaid, the owner shall forfeit and pay five dollars.

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ARTICLE IX.

Carcasses of dead Animals.

§ 1. Carcasses to be reported to clerk of board by street inspectors, when.
2. Book of reports to be kept open to public inspection.
3. Certain parties to have exclusive privilege of removing carcasses.
§ 4. Shall execute bond; conditions of bond.
5. Penalty for street inspectors and others violating this ordinance.
6. Penalty for contractors to comply with conditions.
7. Owners of dead animals; their duties.
8. Penal clause.

SECTION 1. It shall be the duty of all street inspectors to to report to the clerk of the board of health every carcass and the remains of any dead horse, mare, mule, ox, steer, cow, ass, hog, sheep, goat, dog, or other animal, which they may find, or of the existence of which within the city limits they may be informed, as soon as may be, and within six hours after such fact shall come to their knowledge, and the clerk of the board of health shall enter such report in a book to be kept for that purpose, and designate therein the locality, as near as the same can be ascertained by him, where such carcass or remains were found, also the hour when reported.

SEC. 2. The aforesaid book shall at all times be open to the inspection of the public, and every person, other than the officers designated in the first section of this ordinance, may report the existence of any carcass, or the remains of any dead animal above enumerated within the city limits, to the clerk of the board of health, or to any street inspector.

SEC. 3. It shall be the exclusive privilege and duty of Albert Feger and Gottlieb Futterknecht, for a period of ten years from the sixteenth of September, eighteen hundred and fifty-six, to remove out of the city all carcasses and remains of dead animals, enumerated in section first, within six hours after a report thereof shall be made in conformity with the first and second sections of this ordinance, and to appropriate them to their own use; taking care that the carcasses of said animals shall be conveyed away in the most inoffensive manner possible, causing them to be covered with a tarpaulin or otherwise; and the drivers of the teams convey-

ing away said carcasses shall not stop on the way, unless detained by some unforeseen accident, under a penalty of five dollars for each offense; which fine shall, upon the conviction of any drivers of said teams, be recovered according to city ordinances.

SEC. 4. The aforesaid Albert Feger and Gottleib Futterknecht shall, before they shall be authorized to perform the duties and enjoy the privileges granted to them in the foregoing section, execute to the city a bond, with good and sufficient securities, in the sum of three thousand dollars, to be approved by the mayor, and preserved in the register's office, conditioned for the faithful and punctual discharge of the duties imposed upon them by this ordinance; said bond to remain in force ten years from the said sixteenth of September, eighteen hundred and fifty-six: provided, however, that if at any time before the expiration of the said term of ten years the said Albert Feger and Gottleib Futterknecht shall be prohibited by law or ordinance, or by the decision of any court of competent jurisdiction, from exercising the privilege herein granted, in such event said bond shall become void, and the said Albert Feger and Gottleib Futterknecht shall be released from the obligations herein imposed upon them.

SEC. 5. Any street inspector who shall fail to fulfill the duties herein imposed upon such officers, and any person other than the aforesaid Albert Feger and Gottleib Futterknecht who shall flay, remove, or in any manner interfere with the carcasses or remains of any dead horse, mule, ass, ox, steer, cow, sheep, hog, goat, or dog, found within the limits of this city, shall be adjudged guilty of a misdemeanor, and be fined a sum not exceeding one hundred dollars; but the provisions of this section shall not prevent the owner of any such dead animal from removing the same out of the limits of the city. The third, fourth and fifth sections of [the ninth article of] this ordinance take effect, and are in force, for ten years from the sixteenth of September, eighteen hundred and fifty-six, unless repealed before the end of said term.

SEC. 6. Upon the failure of said Feger and Fetterknecht to comply with the third section of [the ninth article of] this ordinance, or failing to remove any dead animal within the time specified, they shall be subject to a fine of ten dollars for the first offense, and for every subsequent offense twenty dollars.

SEC. 7. It shall be the duty of every owner of any dead animal of the kind enumerated in section first of this ordinance [article], and found dead within the city limits, who may wish to convert the same to his own use, to do so within twelve hours after the death of such animal, and within the same time to remove or cause to be removed without the city limits, at his own expense, all or any remains of such animal as would be liable to become a nuisance; or if any owner of any such dead animal do not wish to convert the same to his own use, then it shall be his duty, within the time hereinbefore prescribed, if known to him, to report the death of such animal to the clerk of the board of health, or to some street inspector.

SEC. 8. Any owner of any dead animal failing to comply with the requirements of section seven of this ordinance [article] shall be adjudged guilty of a misdemeanor, and be fined a sum not exceeding one hundred dollars, nor less than ten dollars.

ARTICLE X.

Cleaning Streets and the Removal of Slops.

§ 1. Comptroller to advertise for proposals for cleaning streets.
2. When proposals advertised for and received.
3. Proposals, how signed and enclosed; when opened.
4. Bids to be accompanied by security, &c.
5. Bond and security in double contract price to be given.
6. An accepted bidder failing to contract, contract to be awarded—how.
7. Not allowed to bid again.
8. Contracts to be signed by comptroller and approved by counselor.
§ 9. No person to contract for more than one ward.
10. Work to be done under directions of street inspector.
11. Streets to be cleaned, when, how often.
12. Payments how made.
13. Proceedings on failure to clean.
14. Contract to clean may be forfeited, when, by whom.
15. Conditions of contract.
16. Slops, removal of; comptroller may grant permission.

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SEC. 5. The performance of all contracts let out as aforesaid shall be secured by a bond of the contractor, and at least two responsible securities, to be approved by the mayor, in double the contract price of the work.

SEC. 6. If a person whose bid is accepted fail to enter into contract as aforesaid, the contract may be awarded to the next lowest bidder, or new proposals be received, as in the judgment of a majority of the above mentioned officers may be best for the interests of the city.

SEC. 7. Any bidder failing to enter into contract as hereinbefore required, or to fulfill any contract entered into by him with the city, shall not be allowed to bid again, directly or indirectly.

SEC. 8. All contracts for said work shall be drawn up and signed by the comptroller on behalf of the city, and after having received the city counselor's, or, in his absence or disability to act, the city attorney's written approval of the form thereof, shall be submitted to the common council for their approval, which, when given, shall be endorsed thereon, and then the contracts be filed in the comptroller's office.

SEC. 9. No person shall receive a contract under this ordinance for more than one ward.

SEC. 10. All the work under the contracts shall be done in strict compliance with the directions of the respective street inspectors, subject to the control of the mayor.

SEC. 11. To keep the paved or macadamized streets, public alleys, market places, and other public places, clean, in the meaning of this ordinance, the contractors shall, if so, and whenever and wherever required by the respective street inspectors, clean, during the months of May, June, July, August, September, and October, all market places and streets adjoining them, once every day, (Sundays excepted,) and all other streets and alleys twice a week; and during the months of November, December, January, February, March, and April, all market places and streets adjoining them, once every day, (Sundays excepted,) and all other streets and alleys once a week, and also remove the ice from the gutters.

endorsed on the contract, to suspend or annul the same for a failure on the part of the contractor to fulfill the same; but that such suspension or annulment shall not affect the rights of the city to all damages and penalties claimed by it on account of the contractor's failure.

SEC. 16. The comptroller is further authorized to grant exclusive permission to any person or persons to remove all slops from within the city to a point or points outside the city limits for a term not exceeding fifteen years; provided such person or persons shall give bond to remove all such slops at such time and in such manner as is or may be directed by ordinance; and the mayor or comptroller may receive [rescind] such contract or permission whenever the party contracting or agreeing to remove the same shall fail or refuse to comply with the terms of his agreement.

ARTICLE XI.

Street Inspectors.

§ 1. Street inspectors to be appointed; term of office.
2. Qualifications of street inspectors; where to keep office.
3. Duties of street inspectors.
4. Further duties of.
5. Authorized to enter houses and direct removal of nuisances; to report failure to remove nuisance.
6. Expenses, account of to be rendered; how paid.
§ 7. Street inspector to cause nuisances to be removed at cost of occupant of premises; such cost, how collected.
8. Expense of removing nuisances to be paid by city in the first instance, and to be collected by collector of the owner.
9. Street inspectors to report nuisances on the streets of markets; penal clause.

SECTION 1. The city shall be divided into five districts, in such manner as shall be decided by the mayor and board of health, so as to equalize the duties of the street inspectors, and one street inspector shall be appointed within each district, who shall be a resident of the district in which he is appointed; and there shall be appointed by the mayor, by and with the advice and consent of the board of common council, suitable persons, one from each district in the city, to be styled street inspectors, who shall hold their office for

one year, and until their successors are duly appointed and qualified.

SEC. 2. The said street inspectors shall have resided at least one year next preceding the time of their appointment in the district from which they shall be respectively appointed, and shall keep an office in the same district, to be designated by some conspicuous sign.

SEC. 3. The said street inspectors shall examine the state of streets within their districts from time to time, and report to the city engineer such as need repairing, and generally follow such directions and observe such regulations as he shall establish, touching the performance of the duty respectively required of them, and to superintend, within their respective districts, the cleaning of the streets, alleys, avenues, market places, and public squares; to cause the same to be cleaned and kept clean; to remove or cause to be removed thence, immediately, all filth, dirt, rubbish, dead animals, and nuisances of every description; and further, to see that all kitchen slops and decayed animal and vegetable matter are removed, without delay, from dwelling houses, in such vehicles as are prescribed by ordinance for that purpose; and for the purpose aforesaid they are hereby authorized to employ, by and with the approval of the mayor, any number of hands and carts necessary, by the day, week, or month.

SEC. 4. It shall be the duty of the said street inspectors, further:

First—To act as officers of the board of health in the removal or abatement of nuisances, and in such other matters as the board may direct.

Second—To notify persons, on whose premises any nuisance may exist, to remove the same; and if it be not removed within twenty-four hours after such notice, to report the same to the recorder; and the party or parties so refusing to obey such notice shall, upon conviction before the recorder, be subject to pay a fine of not less than five nor more than five hundred dollars, to be recovered as in other cases of breach of city ordinances.

Third—To visit, at least once a week, every part of their respective districts, and perform all such duties in relation to nuisances as the mayor or board of health may direct.

Fourth — To keep correct and full account, in suitable books, of all expenses incurred, with whom and on what account, and whether payable by the city or individuals; and a like account of all moneys expended, to whom paid, and on what account.

SEC. 5. The street inspectors are authorized to enter, in the day-time, and examine all cellars, privies, out-houses, slaughter-houses, yards, enclosures, and tenements, within their respective districts; and whenever nuisances exist, or filth is suffered to accumulate, to direct the owner or occupant of the premises forthwith to remove the same; and if such removal be not made within twenty-four hours, the facts shall be reported to the recorder; and upon conviction had before him, the party or parties, so failing or refusing to obey such notice, shall be subject to a penalty of not less than five dollars, nor more than five hundred dollars, to be recovered as in other cases of fines for breach of city ordinances.

SEC. 6. The street inspector shall, at the end of every month, render to the board of health an account of all expenses that may have accrued under their authority; and upon the board certifying the correctness of the same, the auditor shall audit the same and issue his warrant therefor, payable out of appropriation for contingent expenses.

SEC. 7. In all cases where notice shall have been given by the street inspector to parties to remove nuisances on their premises, and said parties shall have neglected to remove the same, or make a commencement so to do, in a manner satisfactory to said street inspector, within twenty-four hours after such notice is given, it shall be the duty of said street inspector to cause such nuisance to be removed, without delay, at the cost of the occupant of said premises. When accounts for work so done are put into the hands of the tax collector, and payment thereof refused, the collector shall turn the

same over to the city marshal, to be sued for before the recorder, taking proper receipts therefor.

SEC. 8. The expense of removing any nuisance from any private property shall be paid in the first instance by the city, but shall be chargeable to and paid by the owner or occupant of the premises, and shall be placed in the hands of a collector, for collection, as other taxes.

SEC. 9. The street inspectors of the several districts where markets may be located shall report to the recorder all persons found depositing refuse vegetables, hay, or straw, on the streets of said markets, who shall upon conviction be fined not less than one dollar nor more than ten dollars, to be recovered as other penalties for misdemeanors.

Approved, July 12, 1861.

(No. 4356.)

HOUSE OF REFUGE.

AN ORDINANCE IN RELATION TO THE ST. LOUIS HOUSE OF REFUGE.

§ 1. House of refuge established, under control of managers; locality designated.
2. To be a department of city government; appropriation to be made for support of.
3. Board of managers; their powers and duties.
4. Record of proceedings to be kept and reported to council.
5. Superintendent and matron to be appointed; their duties.
§ 6. Appropriations for maintenance of, how made and regulated.
7. Who may be committed to; proceedings in relation to commitments.
8. Record of commitments to be kept.
9. Children may be committed, when.
10. Police to enforce this ordinance.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. There is hereby established a house of refuge and reform for juvenile offenders, which shall be known by the name of the St. Louis house of refuge, and which shall be under the control of a board of managers, as provided for

and in conformity with an act of the general assembly of the State of Missouri, approved February 28, 1855, and the block of ground designated in said act is hereby set apart and appropriated for the location of said institution.

SEC. 2. Said house of refuge shall constitute one of the departments of the city government, and an annual appropriation shall be made for its support, which shall be based upon the estimates made by the board of managers, and said appropriation shall be specially reserved for the use of the said house of refuge.

SEC. 3. The board of managers, provided for in the act of the general assembly referred to in the first section of this ordinance, shall have the control and management of the house of refuge and reform, together with the grounds attached. They shall make such rules and regulations for the government of the establishment as may be necessary and useful. They shall visit the house of refuge at least once in each month, and shall decide upon the manner in which the inmates shall be employed, and the place of employment, and see that such rules and the ordinances of the city concerning said house of refuge are observed. They shall have power to apprentice any person confined therein, to some useful trade or occupation, to be chosen by said person, until the time when such person shall reach the age of twenty-one years, if a male, and eighteen years, if a female. They may at any time discharge any inmate of said house of refuge, if they shall deem such a discharge advisable.

SEC. 4. The board of managers shall keep a record of their proceedings, and shall report on the first Monday in May, in each year, to the common council, the fiscal affairs, management and condition of the house of refuge, and shall, at the same time, furnish an estimate of the amount of appropriations necessary for the support of the institution during the ensuing year.

SEC. 5. The board of managers shall appoint suitable persons for superintendent and matron of the house of refuge, and such other officers as may be necessary, and shall fix

their salaries and terms of office. The superintendent shall have the immediate control of the persons committed to the house of refuge, and the care and custody of all the property and grounds belonging to the establishment, and shall see that the rules and regulations adopted by the board of managers are strictly observed. He shall give bond, with sufficient security, to be approved by the board of managers, in such sum as the board may determine, conditioned for the faithful performance of his duties, and the accounting for all moneys that may come into his hands. He shall be subject, in all matters pertaining to his official conduct, to such rules and regulations as may be made by the board of managers. He shall make settlement with the board of managers at such times as the board may fix, and shall at least once in each year furnish the board with a detailed report of the expenditures of the institution, the number of inmates, the number received, discharged or apprenticed, with all other facts required by the board.

SEC. 6. All appropriations made by the city council for the support and maintenance of the house of refuge and reform, shall be subject to the order of the board of managers, and may be drawn out of the treasury in such sum as the board deem necessary, upon the order of the acting chairman and secretary of the board; and the board of managers shall keep a record of their proceedings, in which they shall state the object for which all orders were drawn. Said board may draw orders from time to time in favor of the superintendent, for such sums as may be required for the daily purchases for said house of refuge and reform, such orders not to exceed the sum of one hundred dollars at any one time.

SEC. 7. Every male person under the age of sixteen years, and every female under the age of fourteen years, who may be convicted by or before the recorder of the City of St. Louis, of a violation of any city ordinance, or who shall, under existing laws of the State of Missouri, or such as may hereafter be enacted, be liable to confinement in the county jail of St. Louis county, or the penitentiary of the State of Missouri,

may, at the discretion of the recorder, be dealt with according to the usual course of law in such cases, or may be convicted to be placed in the house of refuge, and there detained until he or she shall have reached the age of twenty-one years, unless sooner discharged by the board of managers; and in case of such conviction, it shall be the duty of the city marshal to deliver the offender to the superintendent of the house of refuge, together with a copy of the commitment; and said superintendent shall endorse thereon a receipt for such offender, with the date of his delivery, which shall be by said marshal returned to the clerk of the recorder's court, who shall enter the same in a book to be kept for that purpose, and file the same among the records of his office.

SEC. 8. The superintendent shall keep in a well-bound book a record of the names of all persons committed to the house, their age at the time of commitment, the date of said commitment, and the cause for which they were committed; and shall also, when any inmate of the house of refuge shall be discharged, or may escape therefrom, or shall in any manner leave, or be taken from the institution, enter the facts and the date opposite the name of the person in the book above mentioned.

SEC. 9. Every child found in the city of St. Louis in a state of want or abandonment, or grossly neglected or ill-treated by its parents or persons having its charge, or soliciting charity from door to door, or in any street or highway, or public place, and every child of every person in said city convicted of being a common prostitute, or keeper of a bawdy house, or house of resort for prostitutes, or of assignation; and every child found in such house may, on sufficient proof of any of such facts before the mayor or recorder of the city, or any two aldermen, be committed to the house of refuge in the same manner provided in the seventh section of this ordinance.

SEC. 10. It is hereby made the special duty of the police of the city to enforce the provisions of the preceding section.

Approved, March 9, 1859.

(No. 4875.)

INSPECTION DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE INSPECTION DEPARTMENT.

ARTICLE I.

Inspector of Beef and Pork.

§ 1. Department established; inspectors appointed, when.
2. Duties of inspector of beef and pork.
3. Inspector to be paid for salt, &c., furnished.
4. Weight, size, make and mark of barrels regulated.
5. Pork, how to be inspected, classed, and marked.
§ 6. Beef, how to be inspected, classed, and marked.
7. Penalty for altering, &c., brand or mark, &c.
8. Fees of inspector for storage of beef or pork.
9. Beef and pork when to be marked "condemned."

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A department of the city government is established, to be called the inspection department, embracing the inspector of beef and pork, butter, lard, and tallow; the inspector of flour, and the inspector of weights and measures; and the mayor shall nominate to the common council for their advice and consent, on or before the third Monday in May in each year, an inspector of beef and pork, an inspector of flour, and an inspector of weights and measures, subject to the compensation and duties hereinafter provided.

SEC. 2. It shall be the duty of the inspector of beef and pork to inspect, weigh, and determine the quality of beef and pork, in casks, offered for sale in this city, when requested so to do, according to the grades hereinafter established; to brand the barrels inspected, and to deliver to the person causing the inspection to be made a certificate of the number of barrels and half barrels inspected, and the quality thereof; and to register, in suitable books, all inspections made, with the date thereof, and the name of the person for

whom made, and the number and quality of the barrels and half barrels.

Sec. 3. The inspector shall be allowed a reasonable compensation, over and above his fees, for inspection, for any salt, saltpetre, and cooperage, which may be necessary to make any beef or pork inspected by him merchantable.

Sec. 4. All barrels, containing salted beef or pork, shall be made of good seasoned white oak, free from any defect, and every barrel shall contain two hundred pounds of beef or pork; and a quarter bound barrel shall be hooped with at least twelve substantial hoops, and a full bound barrel with at least eighteen substantial hoops; the weight which is contained in each barrel to be plainly marked, with paint and oil, in a good and substantial manner on the barrel, with the first letter of the christian name, and the surname at full length, of the inspector, and half barrels shall be in proportion to the foregoing.

Sec. 5. All pork shall be carefully inspected, and the inspector shall not brand any but such as shall be well fattened, which shall be assorted and divided into five different classes, to be denominated "clear mess," "mess," "prime," "chine," and "cargo." The first quality shall be denominated "clear mess pork," and shall consist of none but the sides of good corn-fattened hogs, of not less weight than two hundred and fifty pounds nett with the ribs and backbone taken out; and the barrel containing it shall be branded at one end of the head "clear mess pork." The second quality shall be denominated "mess pork," and shall consist of none but the sides of good corn-fattened hogs, and of not less weight than two hundred pounds nett; and the barrel containing it shall be branded upon one head, "mess pork." The third quality shall be denominated "prime pork," and shall be of not less weight than one hundred and fifty pounds nett, of which there shall not be in a barrel more than three shoulders, the legs being cut off above the knee-joints, and not more than three necks, and shall not contain more than three half heads, and shall have the snouts cut off at the opening of

the jaws, and the ears cut off, with the brains and bloody gristle taken out, and the rest of the barrel to be made up of the side pieces of good corn-fattened hogs; and on one head of every barrel of such pork shall be branded "prime pork." The fourth quality shall be denominated "chine pork," and shall consist of none but the tail pieces of large and well corn-fattened hogs; and on one head of every barrel of such pork shall be branded "chine pork." The fifth quality of pork shall be denominated "cargo pork," of which there shall not be in a barrel more than thirty pounds of heads, and four shoulders, and shall otherwise be merchantable pork, and shall be branded on one head of each barrel "cargo pork." There shall not be less than forty-five pounds of coarse salt to each and every barrel of the above mentioned qualities of pork, with not less than two hundred pounds of pork in a barrel.

Sec. 6. All beef shall be of well-fattened cattle, and shall be cut into pieces as square as may be, and shall not exceed twelve, nor less than four pounds in weight; and all beef, which shall be fat and merchantable, shall be assorted and divided into three different classes, to be denominated "mess," "prime," and "cargo." The first quality shall be denominated "mess beef," and shall consist of the two pieces of the rump, two choice pieces of the round, a few pieces of the loin, and make up the remainder of the barrel with briskets, plates, naval pieces, and the front cut from the shoulder, with the belly part of the ribs taken off; and on one head of every barrel of such beef shall be branded "mess beef." The second quality shall be denominated "prime beef," and shall consist of two flanks, two shoulder clods, two shanks cut off above the knee joint, and half of the neck, with the point of the neck cut off; in each barrel the upper layer must be good side pieces, the remainder to be made up, as near as possible, of a great proportion of the shoulder, loin, and rump, and on one head of every barrel of such beef shall be branded "prime beef." The third quality of beef shall be denominated "cargo beef," and shall be of fat cattle, with a proportion of

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good pieces, and not more than one-half of a neck, nor more than three flanks, with a proportion of shanks, with the hocks cut off in the same manner as in prime, and the barrel ought to be otherwise merchantable, and branded "cargo beef." And there shall not be less than sixty pounds of coarse salt, and a sufficiency of saltpetre in each barrel, and to be filled with pickle as strong as salt can make it, with not less than two hundred pounds of beef in each barrel.

SEC. 7. Whoever shall intermix, take out, or shift, any beef or pork packed and branded as directed by this ordinance, or alter, change, or deface any brand or mark of the inspector, shall forfeit and pay not less than ten nor more than one hundred dollars.

SEC. 8. The inspector shall be entitled to receive from the owner or owners, for storage on all beef or pork that shall be left with him for inspection, after five days from and after the time the same shall have been inspected and branded, for each and every barrel or half barrel, five cents per month, and no more.

SEC. 9. If, upon the inspection of any beef or pork, the same shall be found to be tainted, spoiled, or otherwise rendered useless, the same shall be branded "condemned," and shall be forthwith turned over to the owner or the agent.

ARTICLE II.

Inspector of Flour.

§ 1. Duties of flour inspector.
2. Grades of flour established.
3. Flour barrels, how to be made and secured, and how much to contain.
4. Manufacturer to mark barrels; barrels so marked deemed *merchantable*.
5. Inspector to mark *merchantable* flour only.
§ 6. Auger to be used by inspector.
7. Inspector, what to brand on each barrel.
8. Penal section.
9. Penalty for selling without inspection.
10. Duty of inspector when less than proper weight.

SECTION 1. It shall be the duty of the inspector of flour to weigh, inspect and determine the quality, according to the grade herein established, of all flour brought to the city of St. Louis, by steamboats, keelboats, flatboats, wagons or oth-

erwise, and which is not to be shipped beyond the limits of the city. He shall brand all barrels and half barrels inspected by him with the grade to which they belong, and the weight thereof; to register, in suitable books, all inspections made, with the date and the number and quality of the barrels and half barrels.

SEC. 2. The following grades of flour, offered for sale within the city, are hereby established, and the inspector shall brand each barrel or half barrel according to the grade to which it belongs: First, flour of the first quality shall be styled "extra superfine;" second, flour of the second quality shall be styled "fancy," or "superfine;" third, flour of the third quality shall be styled "fine;" fourth, flour of the fourth quality shall be styled "middling;" fifth, flour below the fourth quality shall be styled "shipstuff."

SEC. 3. Every barrel containing flour, offered for sale within the city, shall be made of good seasoned timber, and shall be hooped with ten round, or six flat hoops, with at least four nails in each chine hoop, and three in each bilge hoop. The staves of a whole barrel shall be twenty-seven inches long; diameter of the head seventeen inches; the staves of a half barrel shall be twenty-two inches long, and the diameter of the head thirteen inches; each whole barrel shall contain one hundred and ninety-six pounds of flour, and each half barrel ninety-eight pounds of flour.

SEC. 4. Every manufacturer of flour shall brand or mark one head of each barrel with the name in full of the mill at which it was manufactured, or with the name of the manufacturer, and the tare or weight of the barrel; and said brand or mark shall be put on with paint, in a durable manner, so as not to be defaced; and any barrel or half barrel made as aforesaid, the dimensions being as aforesaid, and marked or branded as aforesaid, shall be deemed "merchantable."

SEC. 5. The inspector shall not brand any barrel or half barrel not "merchantable," as aforesaid; provided, however, if the owner or agent shall make such barrel or half barrel "merchantable," then he shall brand the same.

SEC. 6. The inspector in his inspection shall use a barrel auger not exceeding seven-eighths of an inch in diameter, with which he may bore into each barrel not more than twice, to satisfy himself of the quality of the flour.

SEC. 7. The inspector shall brand upon the head of each barrel or half barrel, by him inspected, in a legible manner, the quality of the flour, the weight thereof, with "Inspected —Saint Louis, Mo."

SEC. 8. Whoever, in this city, shall submit for inspection or sale, or sell or offer for sale, any flour in barrels or half barrels, in which there is a mixture of cornmeal or other substance; or shall sell, or offer for sale, any barrel or half barrel of flour, wherein the quantity of flour is less than hereinbefore required, shall forfeit and pay not less than fifty cents, nor more than five dollars, for each and every barrel or half barrel presented for inspection, sold, or offered for sale.

SEC. 9. Whoever, in this city, shall sell, or offer for sale, any flour, in barrels or half barrels, without the same being first submitted for inspection, as provided in this ordinance, shall forfeit and pay to this city fifty cents for each and every barrel and half barrel so sold and offered for sale, on conviction before the recorder.

SEC. 10. That when the inspector weighs and ascertains the quantity of flour to be less than the proper weight in each barrel and half barrel, it shall be his duty to repack the same and put in the proper quantity of flour in each barrel and half barrel required by law, for which he shall be paid twelve and a half cents for each barrel or half barrel so packed by him, to be paid by the owner or agent of said flour, on the inspector presenting his bill for the same.

ARTICLE III.

Inspector of Butter, Lard and Tallow.

§ 1. Duties of inspector of butter, lard and tallow.
2. Grades for butter, lard, and tallow, established.
§ 3. Barrels, &c., for butter, lard, or tallow, how to be made.
4. Inspector to use auger.

SECTION 1. It shall be the duty of the inspector of beef and

pork to be the inspector of butter, lard, and tallow; to inspect and determine the quality, according to the grades hereinafter established, of all butter, lard and tallow contained in casks, barrels, kegs, and firkins, which he may be requested to inspect; to determine the tare for each cask, barrel, or keg, or firkin, by him inspected; to brand every such vessel by him inspected with the grade to which it belongs, the tare, and the month and year of inspection, and the words "St. Louis, inspected;" to register in suitable books all inspections, with the date thereof, and the name of the person for whom made, and the number and quality of the vessels, and the weight of each.

SEC. 2. The following grades for butter, lard, and tallow, are established, and the inspector shall brand or mark each cask, barrel, keg or firkin according to these grades, to wit: The first quality shall be styled number 1; the second quality number 2; the third quality number 3; and all inferior to third quality shall be marked "inferior."

SEC. 3. Each cask, barrel, keg or firkin containing butter, lard or tallow, to be offered for sale in this city, shall be well made of seasoned timber, and in every respect in good shipping order, before the inspector shall pass the same for other than third quality.

SEC. 4. The inspector in his inspection shall use a barrel auger of half an inch in diameter, with which he shall perforate from one head to the other, to satisfy himself as to the quality of the article inspected.

ARTICLE IV.

Inspector of Weights and Measures.

§ 1. Duty of the inspector of weights and measures.
2. Weights, &c., when subject to inspection.
§ 3. Penalty for using weights, &c., not tested.

SECTION 1. It shall be the duty of the inspector of weights and measures, twice in every year, to examine and test the accuracy of all weights, measures, scales, or other things used by any person for weighing or measuring anything for sale; to stamp, with a suitable seal, to be prescribed by the mayor, all weights, measures and scales so used, which he may find

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conformed, or which may be made to conform to the standard prescribed by the laws of the United States, or this State, and to deliver to the owner thereof a certificate of their accuracy; to seize, in the name of the city, all false weights, measures and scales which he may find, and which the owner shall fail immediately to have made conformable to said laws; to register the names of all persons whose weights, measures or scales he may find to be accurate, and of all persons who fail to have the same corrected when not so found, and to report such persons to the recorder; to report every three months to the city register the names of the persons and number of weights, measures and scales examined and found by him to be accurate; and to examine and test, whenever requested by a weigher of hay and stone coal, any of the public scales of this city.

SEC. 2. All weights, measures, scales, or other things used by any person for weighing or measuring any article for sale in this city, shall be subject to inspection, as hereinbefore provided, on and after the first Monday in June, and a subsequent inspection on and after the first Monday in December of each year, without regard to date of any preceding certificate.

SEC. 3. All persons using weights, measures, scales or other things for weighing or measuring any article for sale in this city, shall cause the same to be examined, tested and sealed as hereinbefore provided, under a penalty of not less than one nor more than ten dollars for failure so to do.

ARTICLE V.

Fees of Inspectors, and General Provisions.

§ 1. Fees of inspector of beef and pork.
2. Fees of inspector of flour.
3. Fees of inspector of butter, lard and tallow.
4. Fees of inspector of weights and measures.
5. Weights to be considered part of scale.
6. Regulations concerning fees of inspector of weights and measures.
§ 7. Fees for testing city scales.
8. Inspectors to make reports.
9. Penal provisions.
10. Appeal from decision of inspectors.
11. Costs of appeal, how paid.
12. In appeals, who entitled to costs.
13. Inspectors not to buy or sell articles subject to their inspection.

SECTION 1. The inspector of beef and pork shall receive for each barrel inspected and branded by him twenty-five cents, and for each half barrel fifteen cents.

SEC. 2. The inspector of flour shall receive five cents for a single barrel or half barrel of flour, and three cents for each barrel more than one inspected and branded by him.

SEC. 3. The inspector of butter, lard, and tallow shall receive five cents for each cask, barrel, keg or firkin inspected and marked by him.

SEC. 4. The inspector of weights and measures shall be entitled to receive for examining, testing, sealing and certifying, as herein required, as follows: Any steelyard, beam, ground floor or platform, counter or other scales, by which may be weighed not exceeding six hundred pounds, twenty-five cents; any such instrument by which may be weighed over six hundred pounds and less than twelve hundred pounds, fifty cents; any such instrument by which may be weighed over twelve hundred pounds, seventy-five cents; any yardstick, dry or liquid measure, ten cents; any nest or set of measures, twenty cents.

SEC. 5. The weight attached to any scale shall, as to the compensation of the inspector of weights and measures, be considered a part of the scale.

SEC. 6. The inspector of weights and measures shall, for a second or subsequent inspection of weights or scales, be entitled to charge and receive the same fees as for a first inspection, specified in this ordinance, and may retain the article so inspected in his possession until the fee for inspection be paid; and he shall in every case where he may employ labor or material in making the same accurate, be entitled to just compensation therefor, and to retain the article upon which such labor or material has been employed until such compensation be paid.

SEC. 7. The inspector shall be entitled to charge for inspecting and testing the several scales of the city for the weighing of hay and stone coal, two dollars for each inspection, and for each platform scale in the use of the city, two

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dollars per year; and the auditor shall audit such account, charging the same to appropriation for market and market houses.

SEC. 8. The inspector of beef and pork, the inspector of flour, the inspector of butter, lard, and tallow, shall report, under oath, on the last Saturday of each month, to the city register, and to the city council, at the opening of each stated session thereof, an abstract of the registers hereinbefore required to be kept by them respectively, and of inspections made for the previous month or six months as the case may be.

SEC. 9. Whoever, after any barrel, keg, firkin, or other cask, shall have been inspected and marked as hereinbefore required, and before sale thereof for immediate consumption by the buyer, shall alter or deface the mark or brand placed thereon, under the provisions herein contained; or shall, in any manner, diminish or change the contents of any such vessel; or shall sell or offer for sale any such vessel, knowing that the mark or brand thereof has been so altered or defaced, or the contents thereof so diminished or changed; or shall in any manner impose or attempt any fraud or deception upon any of said officers in relation to the articles which they are authorized to inspect, shall forfeit and pay not less than ten nor more than one hundred dollars.

SEC. 10. Any person dissatisfied with the decision of any two of the inspectors first named herein, may appeal to the mayor, and thereupon three experienced, disinterested persons shall be selected as reviewers, one by the appellant, one by the inspector, and one by the mayor, who, being first sworn faithfully and impartially to examine and determine the matter in controversy, shall, at a time designated by the mayor, meet and decide the appeal, taking the provisions of this ordinance as the rule of their decision; and shall direct what mark or brand shall be put upon each barrel or other cask, and the inspector shall brand them accordingly.

SEC. 11. If the decision of the reviewers be in favor of the inspector, the appellant shall pay all costs of the appeal;

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otherwise, the inspector shall pay the costs; for which costs execution shall be issued by the mayor.

SEC. 12. The costs which may be collected on any such appeal shall be the marshal's fee for summoning the reviewers, as in the case of the service of a summons issued by the recorder, the fee for the affidavit of the reviewers, and, if demanded, five cents to each of the reviewers for each barrel, half barrel, or other cask, examined by them.

SEC. 13. The said two inspectors first named herein shall not, nor shall any of their deputies, be engaged, in any way, directly or indirectly, in the buying and selling of any of the articles which they are authorized to inspect.

Approved July 5, 1861.

(No. 4614.)

INTELLIGENCE OFFICES.

AN ORDINANCE REGULATING INTELLIGENCE OFFICES.

§ 1. Intelligence offices defined.
2. Penalty for keeper giving false information, or referring applicants to improper places.
3. Keeper to give bond.
4. Persons injured by conduct of keepers, competent to testify.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. All offices or places in the city where information to procure employment of any kind is professed to be given for payment of a fee or charge from the applicant or hirer shall be deemed intelligence offices, and every person therein giving such information and receiving payment therefor from the applicant or hirer shall be deemed the keeper thereof.

SEC. 2. Any such keeper who shall give to any applicant for employment false or erroneous information, and receive a fee or payment therefor from such applicant, or who shall refer any female applicant to any house of ill-fame or assignation for employment, shall be deemed guilty of a mis-

demeanor, and be fined in the recorder's court one hundred dollars for each and every such offense.

SEC. 3. Every such keeper of an intelligence office shall, after the approval of this ordinance, enter into bond to the city, with good and sufficient security, to be approved of by the city register, in the sum of five hundred dollars, conditioned that he will honestly do and discharge the business of his office, which bond shall be filed in the office of the city register, and may be sued on in the name of the city to his, or her use, by any person injured by a breach of such bond. Such filing shall be made before the keeper of an intelligence office shall transact any of the business of his calling, under a penalty of ten dollars, before the recorder, for each offense.

SEC. 4. On the trial of any case before the recorder, under the provisions of the second section hereof, the applicant, in said section mentioned, shall be held to be a competent witness in the case.

Approved, March 2, 1860.

(No. 4778.)

LAND COMMISSIONER.

AN ORDINANCE ESTABLISHING THE OFFICE OF LAND COMMISSIONER, AND REGULATING PROCEEDINGS WHEN PRIVATE PROPERTY IS TAKEN FOR ESTABLISHING, OPENING, WIDENING OR ALTERING ANY STREET, ALLEY, WHARF, OR PUBLIC SQUARE.

ARTICLE I.

Land Commissioner.

§ 1. Land commissioner to be appointed.
2. Duties of his office.
§ 3. Term of office.
4. Shall furnish verbal or written information to comptroller, when.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That a suitable person shall be appointed in the same manner as other city officers as land commissioner, whose duty shall be as follows:

SEC. 2. He shall ascertain the nature of titles and localities and condition of all landed property owned or rightfully claimed by the city, either in her own right or in trust for others, and shall jointly with the city counselor prosecute and defend, in behalf of the city, all suits and other legal proceedings involving the rights of the city in and to any landed property. He shall cause to be made out and preserve copies, duly authenticated, of all deeds, conveyances, title papers and contracts concerning the ownership of the said property; also, maps and plats of the same. He shall, on the first day of each stated session of the council, or when required, report to them the condition of the city's interest, hereby committed to his charge, and recommend, at any time, such action on the part of the council as the public interest in his charge may require. He shall also perform the duties imposed upon the land commissioner by an act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the City of St. Louis, approved January sixteenth, eighteen hundred and sixty."

SEC. 3. He shall hold his office for three years from the time of his appointment, and until his successor is appointed, unless sooner removed for good cause, on conviction thereof, as now provided by ordinance, in the case of other city officers.

SEC. 4. He shall at all times furnish verbal information relating to any matters embraced in the duties of his office, to the comptroller, whenever required, or written reports of the same, when required by that officer.

ARTICLE II.

Opening Streets.

§ 1. Engineer to make plat of streets ordered by council to be opened.
2. Land commissioner to cause property to be condemned; to issue processes under seal of the city.
3. Jury to be sworn.
§ 4. Jury impanneled in hall of common council; to return verdict to land commissioner.
5. Proceedings after confirmation of verdict by council.
6. Executions returnable to commissioner; marshal to advertise and sell property.

§ 7. Marshal to make deed to purchaser; how acknowledged and attested; what deed shall recite.
8. Marshal to strike off property to city, when.
9. Record of proceedings to be kept; verdict of jury and plat to be filed in recorder's office.
10. Record of abstracts to be kept; deeds to be recorded.
11. Fee of juror.
12. Auditor and treasurer to keep account of moneys paid and appropriated on account of opening streets.
13. Abstracts of judgments furnished to comptroller; accounts between comptroller, auditor, and commissioner, how kept.
14. Accounts between marshal and commissioner, how kept.
§ 15. Commissioner to report to council of damages and benefits and appropriation required.
16. Commissioner to file certified abstracts in recorder's office.
17. Damages, when paid; interest allowed in certain cases.
18. Damages and costs charged to the street opening fund; how money to be paid.
19. Record of requisitions on auditor to be kept by commissioner.
20. Engineer to take possession of property, when.
21. Money paid to credit of street fund not considered as revenue.
22. Streets dedicated, but not opened, to be reported to mayor by commissioner; duty of engineer.
23. Repealing clause.

SECTION 1. Whenever the common council, by ordinance, shall order the opening, widening or altering of any street, avenue, alley, wharf, or public square, established by ordinance, and it is necessary to take private property for the same, the city engineer shall, under the direction and supervision of the land commissioner, survey and make a plat of the property to be taken, showing the metes and the names of the owners thereof, and also of all the property next adjoining the ground proposed to be taken, with the metes and names of the owners thereof; and the city engineer and assessor shall also furnish the land commissioner with such other plats as he shall require.

SEC. 2. Upon the completion of the plat showing the property necessary to be taken, as aforesaid, for the proposed improvement, the land commissioner shall forthwith proceed to cause the said property to be condemned, according to the provisions of an act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the City of St. Louis," approved January sixteenth, eighteen hundred and sixty; and in so doing, all no-

tices, subpœnas, venires, attachments, and all processes on behalf of the city, or other parties interested in the proceedings, shall be issued by the land commissioner and signed by him, and attested by the city register, under the seal of the city, and shall be served and returned by the city marshal to the land commissioner according to law.

SEC. 3. The jury shall be sworn by the land commissioner, faithfully and impartially to discharge the duties imposed upon them by the seventh section of the act of the general assembly of the State of Missouri, entitled "An act supplementary to the several acts incorporating the City of St. Louis," approved January sixteenth, eighteen hundred and sixty.

SEC. 4. The jury shall be impanneled in the hall of the common council, where the evidence shall be heard on either side, and after hearing all the evidence, and examining the ground to be taken, owned by the parties to be charged with damages, or compensation to be assessed, they shall return their verdict to the land commissioner.

SEC. 5. Immediately after the council shall have confirmed the verdict of the jury, and made an appropriation of the sum, if any awarded to be paid by the city by the verdict of the jury, it shall be the duty of the land commissioner to render judgments in favor of the City of St. Louis, against the several parties, and against the property charged by the verdict of the jury for the payment of the damages assessed; and the land commissioner shall also immediately make out a certified abstract or list of said judgments, showing the persons' property and amount, and *pro rata* cost up to the rendering of the verdict of each judgment, and shall furnish the same to the city comptroller, who shall advertise said lot for ten days in one or more newspapers published in the city of St. Louis, notifying all persons against whom and against whose property assessments are made, that they may pay and satisfy the same before execution shall issue at the comptroller's office, and pay the same to the comptroller at any time within sixty days after said notice is inserted; and

the comptroller shall receive from such parties as desire to pay the same, all assessments levied against them and against their property, and pay the same into the city treasury; and at the expiration of the sixty days, the comptroller shall return said list to the land commissioner with his marginal remarks thereon, showing what judgments have been paid and what remain unpaid; and the land commissioner shall then immediately issue executions on all judgments remaining unpaid, with the *pro rata* cost for advertising and collecting the same added thereto, directed to the city marshal, whose duty it shall be to collect the same from the owner or owners of the property charged in the execution; and the land commissioner shall file the said abstract or list returned to him by the comptroller, in his office.

SEC. 6. The execution to be issued in each case shall be a special *fieri facias*, and shall be in conformity with the judgment, and shall be returnable to the land commissioner within ninety days; and it shall be the duty of the marshal, unless otherwise directed by the land commissioner, to advertise and sell the property charged in the execution, in the manner prescribed for the sale of real estate under execution, by an act of the general assembly of the State of Missouri, entitled "An act to regulate executions," approved December first, eighteen hundred and fifty-five.

SEC. 7. In every sale under execution, it shall be the duty of the marshal to make a deed to the purchaser, which deed shall be acknowledged before the mayor, and attested by the city register, under the seal of the city, and shall recite the execution, time, and place of sale, the name of the purchaser, and the amount of the bid, which deed shall vest in the purchaser such title to the property named in the execution as can be conveyed under the proceedings had.

SEC. 8. The city marshal shall, unless the property described in the execution brings the amount of the execution and costs, strike the same off to the City of St. Louis as purchaser thereof, and shall make a deed therefor to the City of St. Louis in the same manner as to any other purchaser.

SEC. 9. It shall be the duty of the land commissioner to keep a full and complete record of all proceedings had in the matter of condemning private property for public use, under the provisions of this ordinance; and he shall, immediately after the passage of the ordinance confirming the verdict of the jury, file for record in the recorder's office of St. Louis county, the verdict of the jury in each case in the condemnation of private property, with the plat of the same thereto annexed, with his certificate attested by the city register, under the seal of the city thereto attached, and after the same is recorded, he shall file the same in the city register's office.

SEC. 10. The land commissioner shall keep a record of detailed abstracts of the property purchased by the city under executions, and shall also cause all deeds made by the city marshal to the City of St. Louis, as purchaser under this ordinance, to be recorded in said recorder's office, and, after the same are recorded shall file the same in the city register's office.

SEC. 11. Each juror shall be entitled to receive a fee of one dollar per day for his services.

SEC. 12. The auditor and treasurer shall keep a separate account of all moneys collected and paid into the city treasury and appropriated by ordinance on account of the opening of any street, avenue, alley, wharf, or public square. Such account to be styled "street opening fund."

SEC. 13. Whenever the land commissioner shall furnish to the comptroller the abstract of judgment specified in section five of this ordinance, he shall take the comptroller's receipt for the gross amount thereof, including the costs charged, and file the same with the auditor, who shall charge the comptroller with such gross amount, and the auditor shall credit the comptroller with all receipts of the treasurer for moneys paid by him into the city treasury on account of the street opening fund, and also credit him with the gross amount reported to the auditor by the land commissioner, marked unpaid by the comptroller on each abstract returned

by the comptroller to the land commissioner. And it shall be the duty of the land commissioner, immediately on the return of each abstract to him by the comptroller, to report to the auditor the gross amount marked unpaid thereon.

SEC. 14. The land commissioner shall also take a receipt from the city marshal for the gross amount of all executions, including costs charged, issued to him for collection, and file the same with the auditor, who shall charge the city marshal with such gross amount; and the auditor shall credit the city marshal with all receipts of the treasurer for moneys paid by him into the city treasury on account of the street opening fund, and also with the gross amount of executions under which sales and deeds have been made to the City of St. Louis as purchaser. And it is hereby made the duty of the land commissioner to report to the auditor the gross amount of such last mentioned executions, immediately upon the return of the same by the marshal to him.

SEC. 15. The land commissioner shall, in each case of condemnation of private property, after the final return of the city marshal, make report to the common council of the total amount of damages assessed and to be paid; of the amount assessed and to be paid as benefits; of the amount collected and paid into the city treasury; of the amount appropriated by the city; of the amounts of the executions under which the city became purchaser, and the amount to be appropriated to provide for a deficiency, if any, in the street opening fund, and for the liquidation of the damages.

SEC. 16. The land commissioner shall, immediately after the city marshal shall have returned to him all executions issued in any case of condemnation of private property, make out a certified abstract, following the order of the verdict, showing what assessments have been paid and satisfied, and the manner thereof, and file the same for record in the office of the recorder of deeds for St. Louis county, and at the filing thereof shall cause a note to be entered on the margin of the record of the verdict to which said abstract refers, referring to the record of said verdict.

SEC. 17. No damages shall be paid in any case until the final return of the city marshal to the land commissioner; and six per cent. annual interest shall be allowed on all amount of damages not paid within six months after the confirmation of the verdict of the jury in each case, such interest to commence at the expiration of said six months.

SEC. 18. All damages and costs incurred and expenditures had under the provisions of this ordinance shall be charged to said street opening fund, and no money shall be paid on account thereof, except upon the warrant of the auditor, drawn on the treasurer, upon the requisition of the land commissioner; and every such requisition shall give all particulars as to the name of the claimant, and the nature and the amount of the claim; but, in case there is no money to the credit of the street opening fund in the city treasury, the auditor may draw his warrant for the payment of jurors' fees, chargeable to the contingent fund.

SEC. 19. The land commissioner shall keep a record in detail of all requisitions made by him on the auditor under the provisions of this ordinance.

SEC. 20. Upon the payment of the damages assessed for any property taken, the city engineer shall, under the direction of the land commissioner, take possession thereof for the city, and remove all buildings and improvements and obstructions therefrom, in conformity with existing ordinances, and any expenses incurred thereby shall be charged to the street opening fund; and, if any such buildings or improvements by the verdict of the jury belong to the city, they shall, provided the value thereof, in the opinion of the city engineer, exceeds one hundred dollars, be sold to the highest bidder for removal after ten days' advertisement in two newspapers printed in the city; and all moneys arising from the sale of such improvements shall be paid into the city treasury to the credit of the street opening fund.

SEC. 21. Money paid into the city treasury to the credit of the street opening fund shall not be considered as city revenue.

SEC. 22. The land commissioner, in all cases where he shall ascertain that streets, avenues, alleys, or wharves, have been dedicated to public use and have not been opened, shall report the fact to the mayor; and it shall be the duty of the city engineer to proceed to open the same, and remove all obstructions therefrom, upon his receiving written directions signed by the mayor and land commissioner.

SEC. 23. All ordinances or parts of ordinances conflicting with this ordinance are hereby repealed.

Approved, January 17, 1861.

(No. 4889.)

MARKETS.

AN ORDINANCE IN RELATION TO MARKETS.

ARTICLE I.

§ 1. Centre market established and designated.
2. North market established and designated.
3. Farmers' wagons assigned a place in North market.
4. Vegetable and fruit stands regulated in North market.
5. Game and vegetable stands regulated in North market.
6. City market established and designated.
7. Farmers' wagons assigned a place in City market.
8. Meat by the quarter, where to be sold in City market.
§ 9. Regulations for butcher, vegetable and fish stands.
10. Vegetables, fruit, and game, portions of market assigned to.
11. Corn, oats, &c., portion of market reserved for sale of.
12. Butchers' stalls, comptroller may lease.
13. Fowls and fruits, parts of market reserved for sale of.
14. Butchers' wagons, certain streets set apart for.
15. Penalty for teams occupying longer time than necessary to unload, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Block number four hundred and seventeen in the city of St. Louis, bounded north by Spruce street, south by Poplar street, east by Seventh street, and west by Eighth street, shall constitute and be known as the Centre market.

SEC. 2. All that portion of Third street north of Washington avenue, and all that portion of Broadway south of Biddle street, and the sidewalks of Broadway from Morgan street to Biddle street, shall constitute and be known as the North market.

SEC. 3. All that portion of Broadway, on either side thereof, and next to the sidewalk, which lies between Morgan street and Biddle street, and so much of the east side of Fourth street as lies between Morgan street and Franklin avenue, along the curbstone, be and the same is hereby set apart as stands for farmers' wagons, and considered a part of the North market coming under the rules and regulations of said market and the supervision of the market master.

SEC. 4. The west side of Fourth street from Morgan street to Franklin avenue, is set apart for vegetable and fruit stands. No such stand shall occupy a greater space than eight feet from the pavement along the curbstone, and extending from the same three and a half feet deep.

SEC. 5. All that portion of the North market house on the west outer side of the same is set apart for vegetable stands; and all that portion on the east outer side of the same is set apart for the use of butchers, and the sidewalks and space at the south end of the market house are set apart for the sale of fish and wild game.

SEC. 6. All that portion of Broadway north of Carr street and south of Cass avenue, and all that portion of Fifth street north of Carr street, and all that portion of Biddle street west of Fifth street and east of Seventh street, and all that portion of O'Fallon street from Broadway to Seventh street, shall constitute and be known as City market.

SEC. 7. All that portion of Broadway from Carr street to Biddle street and west to the sidewalks thereof shall be and the same is hereby set apart for farmers' wagons, and considered a part of said City market.

SEC. 8. The sidewalks on the west side of Fifth street from Biddle to O'Fallon street are hereby set apart for the sale of fresh meat by the quarter.

SEC. 9. All butchers' stands, vegetables, fruit, fowl, fish, and all other such stands outside of the market house, shall not occupy a greater space along the curbstone than eight feet, and extending from the same three and a half feet deep.

SEC. 10. The east side of Broadway from Biddle to Bates streets is hereby set apart for vegetable and fruit stands and the sale of dead game, and all that portion next to the curbstone on the west side of Broadway, from O'Fallon street to Cass avenue, is hereby set apart for farmers' wagons.

SEC. 11. All that portion of Fifth street from Carr to Biddle street, and the east side of Broadway from Bates street to Cass avenue, is hereby set apart for teams bringing corn, oats, hay, clover, or straw, for sale; the teams occupying Fifth street from Carr to Biddle street shall be located in the centre of said Fifth street, thereby making an open passage on either side thereof.

SEC. 12. All the inner portion of the market house shall be and is hereby set apart for butchers' stalls; but, provided, however, all of such stalls that may not be leased or rented for said purpose, the comptroller shall, and he is hereby authorized to lease or rent the same, by the month or otherwise, for the sale of dressed fowls.

SEC. 13. All that portion on the east outer side of the market house is hereby set apart for the sale of dressed fowls, and all that portion on the west outer side of said market house is hereby set apart for fruit and vegetable stands.

SEC. 14. Biddle street from Broadway to Sixth street, and O'Fallon street from Broadway to Sixth street, and the west side of Sixth from Carr to Biddle street, are hereby set apart for butchers' wagons.

SEC. 15. It shall not be lawful for teams to occupy or remain a longer time than may be necessary to unload or load their respective teams within the following limits, to-wit: Broadway from Biddle to O'Fallon street, and Fifth street from Biddle to O'Fallon street; and whoever violates this section shall be deemed guilty of a misdemeanor, and forfeit and pay to this city a sum not less than one nor more than

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twenty-five dollars, to be recovered as other penalties for misdemeanor.

ARTICLE II.

Rules and Regulations.

§ 1. Authority of market masters to make rules.
2. Such rules have to be approved.
§ 3. Rules and regulations, how published.

SECTION 1. Proper authority is hereby given to the market master of each market, and it is made their duty respectively, to make all needful rules and requisitions [regulations] touching the designation and arrangement of vegetable and fruit stands, and the arrangement, stationing and removal of all wagons, carts and other vehicles used or brought by marketers within the boundaries of limits set apart for public market purposes; provided such rules and regulations are not inconsistent with the ordinances and charter of the city.

SEC. 2. Before any of the rules and regulations made in pursuance hereof shall take effect, they shall be submitted to the mayor and the president of the board of common council, for their approval; and if they approve such rules and regulations, they shall indorse their approval thereon, and cause a copy of the rules and regulations so approved to be filed in the office of the city register.

SEC. 3. Immediately after the making and approval of any rules and regulations for either of the markets, it shall be the duty of the register to have the same published in the same manner and for the same length of time as ordinances of the city are required to be published; and also cause a sufficient number of such rules and regulations to be printed in handbill form, for posting, and deliver the same to the market masters respectively, to be posted, and they shall post up the same in the most public and conspicuous places in and about the several markets and market grounds; and each market master shall keep posted up, in a conspicuous place in his office, a copy of all the rules and regulations made in pursuance hereof for each and all the market houses and market grounds within the city.

ARTICLE III.

Leasing of Stalls, Stands, &c.

§ 1. Comptroller to lease vacant stalls, when.
2. Prices of butchers' stalls to be fixed.
3. Leasing to be at auction; notice to be given.
4. Bidder to pay ten dollars; lease to be forfeited, &c.
5. Lessee to give security.
6. Comptroller to deliver accounts to collectors.
7. Rent not paid, lease to be forfeited.
8. Stall becoming vacant, may be leased for unexpired term.
9. Penalty for occupying stall without lease.
10. Vegetable stands to be leased to gardeners only.
11. Lease to contain clause of forfeiture if stand be used by another person.
§ 12. No person to be lessee of more than one stall or stand.
13. Fish stalls to be leased.
14. Bidder to pay amount of bid when lease is executed.
15. No person or company to be lessee of more than one stall or stand; lease not to be transferred without written consent of comptroller.
16. Stall or stand becoming vacant, to be leased for unexpired term.
17. Proviso to be put in leases of fish stalls.
18. Market masters to keep a sufficient number of fish stalls.
19. Stall or stand not leased, market master may permit persons to occupy; amount to be paid.
20. Leases to contain clause allowing city to annul the same.
21. Butchers' stalls to be painted.

SECTION 1. It shall be the duty of the comptroller, on the first Monday of each year, to lease all the vacant butchers' stalls in the City, Centre and North markets, respectively; and on the first Monday in May of each year, he shall lease all the vacant vegetable and fruit stands in the Centre, North and City markets, except the vegetable stands on North Fourth street.

SEC. 2. The comptroller and the chairman of the committee on markets of the board of the common council shall establish and grade the prices upon the butchers' stalls, and they shall be leased for the term of one year, and the comptroller and the committee are hereby authorized to reduce the prices fixed for the year eighteen hundred and sixty-one, in such proportion as they may deem just and reasonable.

SEC. 3. Such leasing shall be at public auction to the highest bidder, and the comptroller shall give at least ten days'

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public notice of the time and place of such leasing in all the papers employed in the city.

SEC. 4. Every person bidding off, or taking at its valuation, any stall or stand, shall, at the time of so doing, pay to the comptroller ten dollars, which shall be credited upon his first payment; and if he fail, within three days thereafter, to execute the lease for the stall or stand as bid off by him, and the comptroller shall be within that time ready to execute the lease on behalf of the city, and [the] said sum shall be forfeited to the city.

SEC. 5. Each lessee shall, in his lease, provide two or more securities, to be approved by the comptroller, who shall be jointly bound with the lessee for the payment of the rent of the stall or stand, quarterly, in advance.

SEC. 6. Ten days before the rent of any stall or stand shall become due, the comptroller shall make out an account thereof, and deliver the same to the collector of the ward in which the market is situated, taking his receipt therefor, which shall be delivered to the auditor, and by him charged to the collector.

SEC. 7. If the lessee of any stall or stand, on demand being [made], fail to pay the rent thereof at the time, the same shall become due according to the terms of the lease, such lease shall be thereby forfeited; and the collector shall notify the comptroller and market master of such demand and nonpayment.

SEC. 8. Whenever any stall or stand shall become vacant, or the lease thereof forfeited, the comptroller may lease, as hereinafter provided, for the unexpired term.

SEC. 9. If any lessee of any stall or stand, whose lease shall have been forfeited, or any other person without a lease or permission as hereinafter provided, hold, use or occupy any stall or stand, he [shall] forfeit and pay to the city not less than ten nor more than fifty dollars for each day that he shall so hold, use or occupy such stall or stand.

SEC. 10. The vegetable stands directed as aforesaid to be leased, shall be leased only to gardeners, to be occupied ex-

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clusively for the sale of vegetables, fruits, plants, shrubbery, and other articles usually raised by gardeners; and every lessee of any such stand shall, before receiving a lease therefor, satisfy the comptroller that he is a gardener within the meaning of this ordinance.

Sec. 11. In every lease of a stall or stand, there shall be inserted a clause of forfeiture if the lessee permit the stand to be used by any other person, and nothing herein contained shall authorize any lessee to transfer his lease.

Sec. 12. No person shall become lessee of more than one stall or stand at one leasing.

Sec. 13. The fish stalls or stands shall be leased by the comptroller on the first Monday in June of each year for the term of one year, first giving ten days' public notice by handbills stuck up in the markets, of time, terms, and place of such leasing.

Sec. 14. Every person bidding off any such stalls or stands shall pay to the comptroller, upon the execution of the lease, the amount for which the said stall or stand was leased.

Sec. 15. No person or company of persons shall be entitled to lease more than one stall or stand in each of said market places, and any person who shall, by himself or others, bid off more than one of said stalls or stands, shall forfeit all of his right to any of the same, and all moneys paid by him on such leasing; and no right acquired at such leasing shall be transferred by the lessee to any other person without the written consent of the comptroller, and such consent shall not be given by that officer if the transfer is to be made to any person holding a lease of any such stalls or stands, or to any other person by which a monopoly will be created.

Sec. 16. Whenever any fish stall or stand shall become vacant or forfeited, the comptroller may immediately take possession of the same, and re-let it at private sale.

Sec. 17. In all leases of fish stalls, the comptroller shall put the proviso, that no person bidding off a fish stall or stand shall lease or sublet said stall or stand to another; and that if the lessee of a fish stall shall neglect to keep a supply of

fresh fish on hand for six days at any one time, except when the ice prevents the catching of fish, the stall so leased shall be forfeited to the city and leased again.

SEC. 18. The market master shall always keep a sufficient number of such fish stalls or stands in the market places.

SEC. 19. If any stall or stand be not leased in conformity to the provisions herein contained, the market master may permit any person to occupy the same for a single day or for a number of days; for which privilege such person shall pay to the market master, for a stall, seventy-five cents, and for a stand, fifteen cents, for each day he may so occupy it, which sums shall be paid into the city treasury monthly.

SEC. 20. That in making leases for the stalls and market houses, there shall be inserted a clause allowing the city, in case it should be desired to remove or destroy any market, the privilege of annulling the lease or leases, upon three months' notice of the fact.

SEC. 21. The lessees of the buchers' stalls shall each cause his stall to be painted twice a year—say in the month of April and in the month of October of each year.

ARTICLE IV.

Market Masters.

§ 1. Market master to be appointed.
2. Their duties.
3. Their powers.
4. Article seized by market master to be sold.
5. Market master to superintend cleaning of market.
6. Market master to cause market house to be cleaned.
§ 7. Market master to keep scales; to weigh articles, when.
8. Market master to seize articles being short weight.
9. Market master empowered to keep order and enforce rules.
10. Lamps to be kept burning at night.

SECTION 1. There shall be appointed a market master for the City market, one for the Centre market, and one for the North market.

SEC. 2. It shall be the duty of each market master in the market for which he is appointed,

First—To exercise a general supervision over the market

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house and market place, and to enforce the regulations established for the government thereof.

Second—To assign places to wagons or persons attending the market, and enforce order among them.

Third—To exercise a general fare [care] and custody of the market house, and all appurtenances thereof.

Fourth—To examine the quality of all articles offered for sale in the market, and to seize all blown, unsound, diseased, impure, or unwholesome articles exposed for sale.

Fifth—To examine the weights of all articles exposed for sale, and seize all which are of less weight than that represented by the seller.

Sixth—To enforce order in the market place, and decide all disputes which may arise between buyer and seller touching the weight or measure of any article.

Seventh—To attend, either in person or by deputy, at the market every day during market hours.

Eighth—To pay into the city treasury, on the last Saturday of each month, all moneys received by him on account of the city.

SEC. 3. In order to the performance of his duties, each market master is invested with full power and authority in all matters connected with the market for which he is appointed; and all persons are required to obey his rules, regulations, and directions, in all such matters.

SEC. 4. Whenever any article shall be seized by a market master under the authority given as aforesaid, he shall expose the same to sale at public outcry in the market place, and pay the proceeds of the sale into the city treasury.

SEC. 5. The market masters shall superintend the cleaning of the market and market grounds for which they are respectively appointed, and cause the streets, footways, and market grounds, to be sprinkled with water whenever it shall be necessary to prevent and lay the dust, and for that purpose may use water from the water works, and use the hose provided by the city.

SEC. 6. The market masters shall cause the market houses

and market places to which they shall be respectively appointed to be thoroughly cleaned, and all the filth to be removed therefrom by the scavengers employed for that purpose by the city, and keep the footways and steps in the winter season clear of ice and snow.

SEC. 7. Each market master shall keep as many scales, and other implements for weighing, duly stamped and certified by the inspector of weights and measures, as may be necessary to do all the weighing in said market, and shall, whenever requested, weigh all articles belonging to marketers and others, intended for sale, and shall be allowed to charge five cents for each separate or single article, to be paid by the person or party requesting the same to be weighed. No person shall weigh any article of marketing within the market grounds and charge therefor, except the market master or his legal deputy, under the penalty of not less than twenty nor more than one hundred dollars for each offense.

SEC. 8. It shall be the duty of the market master to seize all articles offered for sale in market which do not weigh as much as represented by the owner, vender, or person offering the same for sale. All articles so seized by the market masters shall be carefully weighed by them, and if found to be of less weight than represented, the articles shall be forfeited to the city for the use of the hospital, and the market master shall deliver the same to the steward of the city hospital.

SEC. 9. Each market master is hereby authorized to order and remove from the market house, market grounds and places, in a summary manner, any person who is guilty of any violent, turbulent, or disorderly conduct, or who shall in any way interfere with or disturb the marketers or buyers, or who shall violate or refuse to obey any ordinances, rules, or regulations, for the government, conduct, and management of the market houses, market places, or grounds.

SEC. 10. The market masters of the Centre, North, and City markets are required to keep at least two lamps burning in each of said markets during the whole of each night during the year.

ARTICLE V.

Rules and Regulations.

§ 1. Market hours.
2. Market master to ring a bell at close of market hours in the forenoon.
3. Lessees of stalls, &c., to remove and to cleanse stall, &c., after ringing of the bell.
4. Market place to have hydrant; provisions not to be sold in market after market hours.
5. Sales of fresh meat, in quantities less than one quarter, forbidden, except by lessees of butchers' stalls.
6. Explanation of previous sections.
7. Sales of salted meat in small quantities, except by butchers, forbidden.
8. Sale of diseased animals forbidden.
9. Sale of flesh of animals sick, &c., of putrid flesh, &c., or of unwholesome animal, forbidden; market master to seize and destroy same, if found.
10. Sellers not to be agents for buying.
11. Riding into market, &c., slaughtering animals in, depositing filth, &c., forbidden.
§ 12. Vehicles to be placed as market master decides.
13. Vehicles to be removed, when.
14. Sales not to be made on Sunday.
15. Sale of liquors, &c., and setting up eating places, prohibited.
16. Fires in market prohibited, except.
17. Lounging, idling, &c., prohibited.
18. Intoxicated persons not to go into market.
19. Dogs or unruly animals not to come into market.
20. Sale of horses, &c., regulated.
21. Sales of butter, lard, and honey, regulated.
22. Sale of goods, &c., manufactured within the city, prohibited.
23. Exhibition of goods, &c., to be deemed exposure for sale.
24. Lessee failing to occupy his stall, &c., lease to be forfeited.
25. Penalty for breach of this ordinance.
26. Second conviction of lessee, to forfeit lease.
27. This ordinance to apply to all markets.
28. Committee on markets and the comptroller to lease stalls for poultry, game, &c.

SECTION 1. The markets aforesaid shall be open for the sale of all victuals and provisions from the dawn of day until ten o'clock A. M., and from four o'clock P. M. until dark, from the first day of April until the first day of October; and from the dawn of day until twelve o'clock noon, and from two o'clock P. M. until dark, during the remainder of the year; and on Saturday of each week throughout the year, and the same shall be opened until ten o'clock P. M.

SEC. 2. Each market master shall be provided with a bell, and shall announce by the ringing thereof the closing of the

market hours in the forenoon, at least ten minutes before the time of closing.

SEC. 3. Every lessee or occupier of a stall or stand, in either market, shall, within thirty minutes after the ringing of the bell as aforesaid, [cause his] vegetables, provisions, and vehicle, if he has one, or other thing, to be removed from the market place, and his stall or stand to be thoroughly cleansed, and all animal and vegetable offal and rubbish to be removed from the market place; and each butcher shall cause his tables, meat blocks, and other fixtures, to be thoroughly scraped and cleaned: provided, the market master may give permission to persons living more than five miles from the city to keep their teams in the market place after market hours.

SEC. 4. Each market shall be supplied with a hydrant for the use of the persons attending the market; and no provisions or other things shall be sold in the market except during market hours without the permission of the market master.

SEC. 5. No person, not being the lessee of a butcher's stall, shall sell or offer for sale in market, or in any other place, any fresh meat in less quantities than one quarter; and no person being a lessee of a butcher's stall, shall sell the same in less quantities than one quarter, except at the stall of which he is lessee.

SEC. 6. Nothing in the preceding section shall be construed to prevent any farmer or producer from selling his meat by the quarter; or any person who follows the business of packing beef or pork, from selling bacon, shoulders, ham and sides of their own curing, or spare-ribs and sausage meat, in the winter months; or any person from selling wild game not otherwise prohibited.

SEC. 7. No person but a lessee of a butcher's stall shall cut up and sell salted meat by the small quantity in market and then only at his own stall. The provisions of this section shall not apply to bacon venders.

SEC. 8. No person shall sell, [or] expose for sale, in market, or any other place, any sick or diseased live animal, usually

eaten for food, (or for the purpose and with the design that the same shall be used for food,) knowing or having reason to believe the same to be sick or diseased.

SEC. 9. No person shall sell, expose, or offer for sale, in market, or any other place, the flesh of any dead animal which was sick, overheated, or run down by dogs, or otherwise, at or before the time the same was butchered or slain, or which died a natural death, or was killed by accident, casualty or other means than the usual manner of slaying animals for food; nor shall any person sell, expose, or offer for sale, in this city, any putrid, blown, plated, raised, stuffed, or unsound meat, fish, eggs, poultry, or other article of food; nor shall any person in this city sell, expose, or offer for sale, the flesh of any bull, boar, ram, dog, cat, or other animal not commonly deemed wholesome for food. The market master shall seize any article in this section mentioned which he may find in the market, and cause the same to be destroyed; and if the person offering the same be a lessee of a butcher's stall, his lease shall be forfeited, and he shall never after be permitted to lease or occupy a stall in market.

SEC. 10. No person attending market for the purpose of selling, shall purchase any article sold in the market as agent for tavern-keepers or other persons.

SEC. 11. No person shall ride, lead, drive, or place any horse or other animal into or upon any market, market house, or footway, pertaining thereto; or kill or slaughter any animal in market; or throw or deposit any animal or vegetable offal, filth, meat, dead animal, or fowl, fish, or any noisome substance, in any market house or place.

SEC. 12. All vehicles, in which articles are brought to market for sale, shall be placed in such position as the market master may direct.

SEC. 13. Whenever any person, not the lessee of a stall or stand, shall have sold or disposed of the commodities brought by him to market for sale, he shall forthwith remove his vehicle from the market place.

SEC. 14. No person shall sell, expose, or offer for sale, any article in a market place on Sunday.

SEC. 15. No person shall, in market, sell or give away any wines, or spirituous or fermented liquor or cider; or set up or keep any table or board, for the purpose of eating or drinking at or about the same, or shall sell any meat, fish, vegetables, or bread, to be there used or eaten.

SEC. 16. No person shall, during market hours, kindle or burn, in or about any market, any fuel, without permission from the market master, or at any other place than that designated by him; except that charcoal may be burnt in movable earthen or metallic vessels, so constructed and placed as effectually to prevent danger from the fire therein to any wood work in the vicinity, or inconvenience to persons passing.

SEC. 17. No persons, not having lawful business in market, shall idly sit, lounge, stand, walk, or lie in or about the market place.

SEC. 18. No person in a state of intoxication shall go upon a market place during market hours.

SEC. 19. No person shall bring, or suffer to come with him, into or upon a market place, during market hours, any dog, or any unruly or dangerous animal.

SEC. 20. No person shall sell, expose, or offer for sale, in market, any horse, cow, ox, mule, jack, hog, or other full-grown live animal, unless confined in a wagon, except at such place as the market master may direct.

SEC. 21. Butter, lard, and honey, sold in market, shall be sold by weight avoirdupois. Where the first-named article is put up in rolls or balls, each roll or ball shall contain not less than one pound.

SEC. 22. No person shall sell, expose, or offer for sale, in any market place, any goods, wares, or merchandise, manufactured within the city.

SEC. 23. Whenever any article shall be exhibited in market, as though the same were intended for sale, whether sold or not, or directly offered for sale or not, such exhibition

shall be held to be an exposure of the same for sale, and an offer to sell within the meaning of this ordinance.

SEC. 24. If the lessee of any stand or stall fail, for six consecutive days, to expose for sale, at his stand or stall, articles usually sold thereat, unless such failure be caused by sickness, or other unavoidable circumstance, his lease shall be forfeited, and his stall or stand may be leased to another, as in other cases of forfeiture.

SEC. 25. Whoever shall violate any of the provisions of this article, or shall fail to obey any legal order of the market master in relation to any matter placed under his official charge, shall forfeit and pay not less than three nor more than one hundred dollars.

SEC. 26. If any lessee of any stall or stand be twice convicted of violating any ordinance in relation to markets, his lease shall, on the second conviction, be adjudged to be forfeited.

SEC. 27. The provisions of this article are declared to apply to all markets in this city, except where the same are confined in terms, or by the context, to a particular market; and the market masters of private markets are invested with the same power, and required to perform the same duties, as the market masters of the Centre, City, and North markets are invested with and required to perform.

SEC. 28. The committee on markets of the board of common council, in conjunction with the comptroller, are hereby authorized to rent or lease stands in any of the public markets, for a term not exceeding twelve months, for the sale of dressed poultry, wild game, butter, eggs, and such other articles as may be prescribed by the said committee and comptroller, and upon such terms and conditions as may be fixed and determined by them.

ARTICLE VI.

§ 1. Huckster licenses revoked.
2. Butchers, farmers, and producers —regulations concerning.
3. Grocers, trade of, regulated.
4. Duty of market masters.

SECTION 1. That all ordinances or parts of ordinances now

in force, and authorizing the issue [of] huckster licenses, are hereby repealed.

SEC. 2. That hereafter no person not a butcher, farmer, or the producer of the article he offers for sale, shall be permitted to occupy any stand or stall, or place, for the sale of any article not produced or raised by him or her, in either or any of the markets, market places, or market squares within the city of St. Louis, or in anywise sell, or offer for sale, in either such place, any such article not produced or raised by him or her; and, in all prosecutions arising under this ordinance, any person so selling shall be presumed not to come within the exception hereinbefore mentioned, and the burthen of proving such exception shall rest upon the person claiming the benefit of it.

SEC. 3. No grocer or dealer in provisions in this city shall sell, or offer for sale, any article in any market, market place, or market square, or on the sidewalk in front of his stand or store; nor shall any such person be permitted to purchase any article in any of the market places in this city, during market hours, except such as may be necessary for his own family, if he is a housekeeper; and any person violating either or any of the provisions of this ordinance shall be subject to a fine of not less than ten nor more than fifty dollars for each and every such violation, to be sued for and recovered as in other cases of breach of city ordinances.

SEC. 4. It shall be the special duty of the market masters to see that the market spaces and streets therewith connected be kept free and unincumbered by what are usually known and styled as hucksters' carts, wagons, boxes, tables, or stands, and to promptly arrest and bring, or cause to be brought before the recorder any person violating any of the provisions of this ordinance: Provided, however, that the provisions of the preceding section shall not be construed so as to apply to persons retailing bacon from wagons or carts in the markets of this city; and, provided further, that the register may and he is hereby authorized to issue a license to such persons for one hundred dollars, for the term of twelve months, authorizing him to sell bacon and nothing else.

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ARTICLE VII.

§ 1. Game not to be sold at certain times.
2. Who deemed guilty of violation of ordinance in relation to game.
§ 3. Duty of market masters.
4. Penal clause.

SECTION 1. No person shall sell, or expose for sale, in any market, street, lane, alley, booth, cellar, store, or in any other place in the city of St. Louis, any pheasant, quail, or partridge, between the tenth day of January and the first day of October; any woodcock, between the first day of February and the fourth of July; any prairie chicken, grouse, or heath hen, or wild turkey, between the first of February and the first day of August; any wild buck, doe, or fawn, or fresh venison, between the first day of February and the fourth day of August.

SEC. 2. Whoever shall have in his possession, or under his control, within the city of St. Louis, any of the fowl or game mentioned in the foregoing section, within the time prohibited therein, shall be deemed to have violated the provisions of the preceding section.

SEC. 3. It is hereby made the special duty of all market masters, and the marshal, to arrest all persons in the city of St. Louis found in the act of violating any of the provisions of this ordinance, and bring them before the recorder; and upon information being filed by any other person that he has good reason to believe, and does believe, that any person has been guilty of violating any of the provisions of this ordinance, the recorder shall issue his warrant to the city marshal, directing him to bring before him the aforesaid offender, who shall be dealt with as in other cases of breach of city ordinances.

SEC. 4. Whoever shall offend against any of the provisions of this ordinance, by selling, or offering to sell, or by exposing for sale, or having in his custody any of the birds or game therein prohibited, or any fresh venison, within the time prohibited and within the city of St. Louis, shall, for each of the birds, and each head of game, and each piece of fresh venison, so sold or exposed for sale, or in his possession, on

conviction thereof, forfeit and pay a fine of not more than ten dollars, to be recovered as other penalties for violation of city ordinances, one-half of which is to be paid to the informer, and the other half go into the city treasury; which said fine and costs shall be paid forthwith, and upon a failure to pay the same, the marshal shall commit the offender to the city workhouse as in similar cases.

Approved, July 12, 1861.

(No. 4770.)

MAYOR.

AN ORDINANCE IN RELATION TO THE MAYOR.

§ 1. After an election for mayor, the mayor shall issue his proclamation convening council.
2. Council to ascertain result of the election; to give notice of installation to person elected.
3. Council to meet on day designated to install mayor elect.
4. Mayor to summon witnesses and issue warrant, when; warrant how returnable.
5. Mayor to have general supervision and control over city officers; may examine books, papers, &c.
§ 6. To report to council all violations of neglect of official duty.
7. Mayor may call assistance in quelling disturbance.
8. May take secret measures to detect offenders.
9. Mayor and council committee may expend money to remove paupers.
10. Expenditures for secret service how made.
11. Process served on mayor to be delivered to counselor.
12. Charges against mayor how investigated; if removed, how to act, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The mayor shall, immediately after any election for mayor, issue his proclamation convening the common council on the Saturday succeeding such election, for the purpose of making provision for the installation of the mayor elect.

SEC. 2. The common council, when so convened, shall proceed to ascertain from the poll books of the several wards, and the certificates of the judges, who has been elected

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mayor, and shall give notice to the person elected. That on the Tuesday following said Saturday, or on some other day to be designated by the council, at twelve o'clock, noon, in the hall of the board of common council, in the presence of the council, he will be installed mayor of the city.

SEC. 3. Upon the day designated, the board of common council shall meet for the purpose aforesaid, when the oath of office shall be administered to the mayor elect.

SEC. 4. The mayor, when he has good cause to believe that an offense has been or is about to be committed against law or ordinance, may summon and examine witnesses in relation thereto, and, upon proper affidavit, may issue a warrant for the apprehension of any offender against law or ordinance, which warrant shall be returnable before the recorder, and shall be tried as warrants issued by that officer.

SEC. 5. The mayor shall have a general supervision and control over all city officers, and may, whenever he shall see fit, examine into the condition of their respective offices, the books, papers and records therein, the manner of conducting their official business, and may call upon any officer, clerk, or deputy, for information in relation to any matter pertaining to his office.

SEC. 6. The mayor shall report to the common council all violations or neglect of duty, on the part of any city officer, which may come to his knowledge.

SEC. 7. The mayor shall have power to call to his assistance the city police, the military of the city, and citizens, to assist him in preventing or quelling any riot, rout, unlawful assembly, or breach of the peace, and all persons so called out by him shall be subject to his orders while on the duty to which they are called.

SEC. 8. The mayor shall have power to take such secret measures as he may deem necessary for the detection and apprehension of offenders against law or ordinance, but no expenditure of money in relation to such service shall be made without consent of a committee of the board of common council, to be styled the council committee.

SEC. 9. For the purpose of effecting the removal of paupers from the city who otherwise might become a great burden to it, the mayor and council committee shall have power to use such amounts of money, payable as hereinafter provided, as shall in their judgment be necessary to accomplish that object in a just and economical manner.

SEC. 10. For expenditures on account of secret service and removal of paupers the mayor shall draw his requisition on the auditor, approved by the council committee, and the auditor shall thereupon draw his warrant on the Treasurer for the amount required, and charge the same to appropriation for contingent expenses.

SEC. 11. Whenever any process or notice shall be served on the mayor in any legal or other proceeding against the city, or in which the city is a party, he shall immediately deliver the same, or a sufficient note thereof, to the city counselor, in order that the same may be attended to.

SEC. 12. Should charges of misbehavior in office at any time be preferred against the mayor, the common council shall proceed at once to investigate and decide the same in the manner prescribed in other cases of a like kind; and should the mayor be, by the judgment of the council, removed from office, a copy of the decision shall be filed in the office of the city register, and the president of the board of common council shall be *ex officio* mayor for the time being and until a successor is elected, and he shall issue a proclamation ordering an election to fill the vacancy in the office of mayor, caused by such removal, in the manner provided by the charter and ordinances of the city.

Approved, December 10, 1860.

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(No. 4885.)

MAYOR.

AN ORDINANCE IN RELATION TO THE OFFICE OF MAYOR.

§ 1. When vacancy occurs in office of mayor, president of council to issue proclamation for new election.

§ 2. How election shall be held; no special election to be ordered within three months of expiration of term.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Whenever any vacancy shall happen in the office of mayor, from death, resignation, or any other cause, the president of the board of common council, *ex officio* exercising the duties of mayor, shall, within thirty days from the time such vacancy shall occur, issue his proclamation directing a special election to be held to fill said vacancy, giving five days' notice of the time and places of holding said elections.

SEC. 2. Such elections shall be held under the regulations prescribed in ordinance No. 4794, approved January 24th, 1861, entitled "An ordinance concerning elections"; provided, however, that no such special election shall be held in the event that such vacancy shall happen within three months of the expiration of the time for which the mayor (whose office had become vacant) had been elected.

Approved, July 12, 1861.

(No. 4893.)

MAYOR'S SECRETARY.

AN ORDINANCE CREATING THE OFFICE OF MAYOR'S SECRETARY, AND PROVIDING FOR HIS COMPENSATION.

§ 1. Mayor authorized to appoint a secretary; term of office.

§ 2. Duties of secretary in relation to free negroes and mulattoes.

3. Fees.

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Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The mayor is hereby authorized and empowered to appoint a suitable person to act as mayor's secretary, who shall hold the office at the pleasure of the mayor, and may be removed and discharged by the mayor at any time.

SEC. 2. The mayor's secretary shall procure and keep a list, as far as practicable, of all free negroes and mulattoes residing in the city of St. Louis; and for each and every pass granted by the mayor to a free negro or mulatto, said secretary is authorized to demand and receive as a fee the sum of twenty-five cents from the person or persons applying for the same.

SEC. 3. The fees so received shall be in full compensation for all services performed by him under authority of this ordinance.

Approved, July 12, 1861.

(No. 4864.)

MERCHANTS.

AN ORDINANCE RELATING TO MERCHANTS AND NON-RESIDENT TRADERS.

ARTICLE I.

Merchants.

§ 1. Merchant defined.
2. Penalty for dealing as merchant without license.
3. Collector to call upon merchants for statements; what statements must set forth.
4. Statements to be entered in lists by collector, in what manner; to be delivered to auditor.
5. Auditor to report the amount to council; to transmit lists to court of appeals.
6. Rates of license.
§ 7. Auditor to make out bills for taxes; to deliver them to collector; form of.
8. Unpaid bills to be returned, when and how.
9. Penalty for not complying with this ordinance.
10. Provision for payment of license for part of a year.
11. Penalty for failing or refusing to deliver statement.
12. This ordinance not to extend to certain cases.

Be it ordained by the Common Council of the City of St. Louis, as follows :

SECTION 1. Whoever shall deal in the selling of any goods, wares, or merchandise, at any store, stand, or place, within the city, is declared to be a merchant.

SEC. 2. Any person who shall, within the city, sell, or offer for sale, any goods, wares, or merchandise, without first complying with the provisions of this ordinance, shall forfeit and pay to the City of St. Louis a sum not less than two dollars nor more than five hundred dollars.

SEC. 3. The collectors shall, after the second and before the fourth Monday in April in each year, call upon every merchant within their respective wards, for a statement of the actual cash value of all goods, wares, and merchandise, kept for sale, which may be in the possession or custody, or under the control of such merchant, *on the second Monday of April* aforesaid ; which statement shall be in writing, and shall be sworn to by the merchant making it, or by some credible person duly authorized by him, before some judge or justice of the peace, or other officer authorized to administer oaths ; and shall be delivered to the collector of the ward, at his office, on or before the first Monday of May following.

SEC. 4. The collectors shall enter in lists, arranged alphabetically, every statement made to them, as aforesaid, showing the names, places of business, and amount of goods, wares, and merchandise, kept for sale, stated by each merchant ; which lists shall be made out for the old and new limits separately, and shall be delivered to the auditor on or before the second Monday of May in each year.

SEC. 5. It shall be the duty of the auditor to report without delay to each branch of the city council, the amount reported by each collector within the old and new limits of each ward, separately, the respective amount for each ward, and the aggregate amount for the whole city, and to transmit said lists to the board of common council, sitting as a court of appeals; and said lists shall remain open to the in-

spection of the public during the sitting of the court of appeals, of which five days' notice shall be given in the papers employed by the city.

SEC. 6. There shall be levied and collected on the value of goods, wares, and merchandise, stated as aforesaid, a tax of one-half of one per centum, annually, which shall be paid to the collectors, by each merchant, on or before the first Monday of August in each year, together with two dollars, which shall be paid every year by each merchant or mercantile firm, in addition to the per centum tax hereinbefore provided for.

SEC. 7. It shall be the duty of the auditor, immediately after receiving the lists from the court of appeals, to make out bills for taxes levied and to be collected as aforesaid, and deliver them to the collectors, take their receipts therefor, and charge them with the aggregate amount thereof; which bills shall be in the following form:

THE CITY OF ST. LOUIS,

To all who shall see these Presents, Greeting:

Know ye, that A..... B....., having on the ..... day of ....., A. D. 18.., paid to C..... D....., collector for the ..... ward of the City of St. Louis, the sum of ..... dollars, being the tax imposed on him as merchant; therefore, the said A.... B..... is hereby authorized to sell any goods, wares, or merchandise, of any description, at any one store stand or place of business within the city, for the period of one year, ending on the second Monday of April, 18...

In testimony whereof, I, E..... F....., auditor of the City of St. Louis, have hereunto set my hand and seal, this .... day of ..... 18...

(Signed,) E..... F....., *Auditor.* [L. S.]

Delivered, this ..... day of ....., 18...

(Signed,) C..... D....., *Collector.*

No. ....
Dollars, ...
..... Limits.

SEC. 8. All bills for taxes levied in virtue of this ordinance, which may remain unpaid on the first Monday of August in each year, shall on that day be returned by the collectors to the auditor, who shall place the amounts thereof to the credit of the collectors, and shall deliver them to the comptroller, take his receipt therefor, and charge him with

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the same; and the comptroller shall report the names and places of residence of all persons delinquent as aforesaid, together with the amount of tax due by each, to the recorder.

SEC. 9. Every person who shall fail, neglect, or refuse to pay the tax levied under this ordinance, within the time above specified, shall forfeit and pay, in addition to the tax due, a fine of one-half the amount of said tax, to be recovered as other fines are.

SEC. 10. Any person, or co-partnership of persons, who may establish themselves as merchants within the city, after the second Monday in April, in any year, or whose license, obtained under previously existing ordinances, may expire during the fiscal year commencing on the second Monday of April, eighteen hundred and sixty-one, shall pay, for the remainder of said fiscal year, such part of the tax levied under this ordinance as shall be in proportion to the unexpired term of such fiscal year.

SEC. 11. If any person, or co-partnership of persons, shall fail, neglect, or refuse to deliver the statement required by this ordinance, within the time specified, he shall be deemed guilty of a violation of the second section of this ordinance; and the collector of the ward shall assess the goods, wares, and merchandise, of such merchant at double their actual cash value, to be ascertained according to the best information he can obtain.

SEC. 12. The provisions of this ordinance shall not be construed to extend to persons who pay a dram-shop license; nor to authorize any person to sell wines or spirituous liquors in a less quantity than one quart, or in any quantity to be drank at his store, stand, warehouse, or other place of business.

ARTICLE II.

Non-resident Traders.

§ 1. Non-resident traders to take out license.
§ 2. Residents not to permit others to sell under their names, &c.
3. Penal section.

SECTION 1. That no person or persons, not being a resident or residents of this State, shall sell, offer for sale, or ex-

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pose to sale, within the limits of the city of St. Louis, any goods, wares, or merchandise of any kind whatever, other than agricultural products of this or other States, and articles manufactured in private families within the limits of said city, either by sample, card, or other specimen, or by written, printed or trade list, or catalogue, whether such persons be the makers or manufacturers thereof or not, without first having a license so to do; and such license shall be issued by the register to such persons applying for the same, upon the payment to him of the sum of three hundred dollars, and of the fees required by ordinance on the issue of licenses to resident traders, for the use of this city; which license shall be for the term of one year then next ensuing, and no longer.

SEC. 2. That from and after the passage of this ordinance, no person or persons, resident or residents of this State, and of the city of St. Louis, and licensed to sell therein, shall suffer or permit any person or persons, not a permanent resident or residents of this State, and of the said city, and not in his or their regular service or employ, to sell any goods, wares, or merchandise, by sample, card, or other specimen, or by written, printed, or trade lists, under his or their firm or co-partnership, or at the store, counting-room, or warehouse, in his or their occupation, or used at his or their place of business.

SEC. 3. That any person or persons offending against the provisions of this ordinance, upon conviction before the recorder, shall be adjudged to pay a sum of not less than five nor more than twenty-five hundred dollars for each and every offense; one-fourth of which sum shall, when collected by the marshal, be paid to the informer, and the informer shall be a competent witness.

SEC. 4. All ordinances and parts of ordinances conflicting herewith be and the same are hereby repealed.

Approved, June 21, 1861.

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(No. 4869.)

MISDEMEANORS.

AN ORDINANCE CONCERNING MISDEMEANORS.

ARTICLE I.

Offenses affecting the Public Peace.

§ 1. Three or more persons assembling to do an unlawful act, guilty of a misdemeanor.
2. Disturbance of the peace by noises, &c.
3. Music on streets on Sunday forbidden, except.
4. Disturbance of religious worship.
§ 5. Disturbance of lawful assemblies.
6. False alarms of fire.
7. Using bells, &c., to attract people.
8. Music in streets forbidden, except.
9. Slung shot, &c., found upon a person, convicted of a breach of the peace.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Any three or more persons who shall, in this city, assemble together with intent, or, being assembled, shall mutually agree to do any unlawful act, with force or violence, against the property of this city, or the person or property of another, or against the peace, or to the terror of others, and shall make any movement or preparation therefor, and every person present at such meeting or assembly who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor.

SEC. 2. Whoever shall, in this city, wilfully disturb the peace of others by violent, tumultuous, offensive, or obstreporous conduct or carriage; or by loud and unusal noises; or by unseemly, profane, obscene, or offensive language, calculated to provoke a breach of the peace; or by assaulting, striking, or fighting another; and whoever shall, in this city, permit any such conduct in or upon any house or premises owned or possessed by him, or under his management or control, so that others in the vicinity are disturbed thereby, shall be deemed guilty of a misdemeanor.

SEC. 3. It shall not be lawful for any military company, or any procession, or any body of persons, to march or pass through the streets of this city on Sunday, accompanied by the sound of music; or for any person, on said day, to play in said streets upon any musical instrument. Whoever sha violate this section shall be deemed guilty of a misdemeanor: Provided, that this section shall not be construed to prohibit the use of music on said day in connection with funeral ceremonies.

SEC. 4. Whoever shall, in this city, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse, within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be deemed guilty of a misdemeanor.

SEC. 5. Whoever shall, in this city, disturb any lawful assemblage of people by rude and indecent behavior, or otherwise, shall be deemed guilty of a misdemeanor.

SEC. 6. Whoever shall, in this city, give or make a false alarm of fire, shall be deemed guilty of a misdemeanor.

SEC. 7. Whoever shall, in this city, employ any bellman, or use, or cause to be used, any bell or other sounding instrument as a means of attracting people to an auction or other place, or shall permit any such to be used for or on his account, shall be deemed guilty of a misdemeanor.

SEC. 8. That hereafter no license shall be granted to any person who may carry about the streets any hand-organ or other musical instrument for the purpose of playing music thereon, either on any street, alley, or public highway, or in any house, for gain; and whoever shall do the same shall be deemed guilty of a misdemeanor: Provided, that this section shall not be construed to refer to music required for a military parade, burial, or other procession or serenading party.

SEC. 9. Whenever there shall be found upon the person of any one who has been found guilty of a breach of the peace, or for conduct calculated to provoke a breach of the

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peace, any slung shot, colt, or knuckles of lead, brass or other metal; or when, upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of any one while in the act or commission of the act aforesaid, such person shall, on conviction, forfeit and pay to this city a sum of money not less than twenty-five dollars, nor more than five hundred dollars.

ARTICLE II.

Offenses against Public Morals and Decency.

§ 1. Drunkenness in streets.
2. Indecent dress, exposure of person, &c.
3. Bathing naked in river, &c.
4. Posting notices without permission of owner of premises.
5. Gambling.
6. Bawdy houses.
7. Indecent notices.
§ 8. Concealed weapons.
9. Not to apply to certain officers.
10. Playing billiards, &c., on Sunday.
11. Selling liquor on Sunday.
12. Not to apply to gardens, &c.
13. Riotous conduct on Sunday.
14. Drunkenness on Sunday.
15. Keeper of dram shop to prevent breaches of the peace.

SECTION 1. Whoever shall, in this city, be found in a state of intoxication in any highway, thoroughfare, or other public place, shall be deemed guilty of a misdemeanor.

SEC. 2. Whoever shall, in this city, appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress; or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior; or shall exhibit, sell, or offer to sell, any indecent or lewd book, picture, or other thing; or shall exhibit or perform any indecent, immoral or lewd play or other representation, shall be deemed guilty of a misdemeanor.

SEC. 3. Whoever shall bathe, wash, or swim, in the Mississippi river, or in any other watercourse, pond, or pool, in this city, between one hour before sunrise and one hour after sunset, being naked or insufficiently clothed to prevent improper exposure of his person, shall be deemed guilty of a misdemeanor.

SEC. 4. Whoever shall stick or put upon any house, fence, wall, or other public place, in this city, any printed, written,

painted, or other advertisement, bill, notice, sign, or poster, without having first obtained the written permission of the owner of such house, fence, wall, or other public place, shall be deemed guilty of a misdemeanor; and whoever shall violate this ordinance, or cause the same to be done, shall forfeit and pay the sum of not less than twenty dollars for each and every offense, to be recovered as other penalties for misdemeanors.

SEC. 5. Whoever shall, in this city, set up or keep any gaming table, or gambling device, at which any game of chance shall be played for money or property, or any thing representing money or property; or shall, at any such table or device, or at any game of chance, bet, win or lose any money or property, either in specie or by means of any thing representing the same; or shall suffer any such table or device, at which any game of chance is played, to be set up or used in any tenement in his possession, or under his control, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum of not less than fifty dollars; and it shall be the duty of the recorder, on receiving satisfactory information of any such table or device being so set up and used, to issue his warrant to the city marshal commanding him to destroy the same, which warrant shall be immediately executed.

SEC. 6. Whoever shall, in this city, keep a bawdy house, house of ill-fame, or of assignation, or shall permit any tenement in his possession or under his control to be used for any such purpose, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a sum not less than fifty dollars.

SEC. 7. Whoever shall be guilty of sticking or putting up in any street, avenue or alley, or on any wall, fence or other public place, in this city, any indecent or gross printed or written advertisement, bill, or notice, of his professional skill or remedies for the curing of venereal or what is [are] usually called secret diseases, or causing the same to be stuck or put up, shall be adjudged guilty of a misdemeanor, and shall forfeit and pay the sum of not less than fifty dollars for the first offense, and not less than one hundred dollars for each

subsequent offense, to be recovered as other penalties for misdemeanors.

SEC. 8. Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol, or colt, or slung-shot, or cross-knuckles, or knuckles of lead, brass, or other metal, or bowie knife, dirk knife, or dirk, or dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, within the city of St. Louis; and whoever shall violate this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit and pay to this city not less than fifty dollars nor more than five hundred dollars for each and every offense, to be recovered as other penalties for misdemeanors.

SEC. 9. Nothing in this ordinance shall be so construed as to prohibit any United States, State, county or city officer from carrying and wearing such weapons as may be necessary in the proper discharge of his duties.

SEC. 10. Whoever shall, in this city, play on Sunday at billiards, ten-pins, or other games, or permit the same to be done upon his premises, or shall on that day sell or expose or offer for sale any goods, wares or merchandise, or keep open any dram shop or any store, shop, or other place of business, for business purposes, shall be deemed guilty of a misdemeanor.

SEC. 11. Any person who shall, in this city, on Sunday, either directly or indirectly, sell, or expose or offer for sale, in any quantity, any distilled liquors, or any composition of which distilled liquors form a part, shall be deemed guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars.

SEC. 12. The provisions of the tenth section of this ordinance shall not apply to the owners or lessees of gardens and grounds laid out and improved as places for public resort, for refreshment, and recreation; nor be so construed as to prevent the keeping open on Sunday of barber shops, bathing establishments, or livery stables, or any other place of business for the sale only of drugs and medicines, bread, con-

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fectionaries, ice cream, soda water, or other beverages not prohibited by the eleventh section of this article, or any article of immediate necessity: Provided, however, that no person shall be permitted on Sunday to sell or expose, or offer for sale, any of said articles on any sidewalk, street or public highway within this city.

SEC. 13. Any person who may, on Sunday, disturb the peace by any noisy, riotous or disorderly conduct, in any street or other public place, or in any place of public resort, for amusement or other purposes, shall be fined not less than twenty nor more than two hundred dollars.

SEC. 14. Any person who may be found on Sunday intoxicated, in any street or other public place, shall be fined not less than ten nor more than fifty dollars.

SEC. 15. Any keeper of a dram shop, beer house, or other place of public resort, who may permit any breach of the peace, or disturbance of public order and decorum, by noisy, riotous and disorderly conduct, on his premises, when it was in his power to prevent it, or who shall sell any intoxicating drink to any person already intoxicated, shall be fined not less than twenty-five nor more than two hundred and fifty dollars; and if the offense be committed on Sunday, he shall be fined not less than fifty nor more than five hundred dollars.

ARTICLE III.

Offenses affecting Public Safety.

§ 1. Fast or careless driving, inhuman treatment of dumb animals, &c.
2. Driving animals with bells.
3. Driving sleighs without bells.
§ 4. Vehicles meeting, to be driven to the right.
5. Flying kites, &c.
6. Blasting rock.

SECTION 1. Whoever shall, in this city, ride or drive any beast of burden, in any highway, thoroughfare, or other public place, quicker than or beyond a moderate gait, unless in a case of urgent necessity; or shall ride or drive any such animal so as to cause such animal, or any vehicle thereto attached, to come in collision with or strike any other object or any person; or shall leave any such animal standing in

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any public place without being fastened or so guarded as to prevent its running away; or shall turn any such animal loose in any thoroughfare; or shall inhumanly, unnecessarily, or cruelly beat, injure, or otherwise abuse any dumb animal, shall be deemed guilty of a misdemeanor.

SEC. 2. Whoever shall, in this city, ride or drive any animal with a bell or bells of any description attached thereto, shall be deemed guilty of a misdemeanor. This section shall not extend to strangers passing through the city, nor to the use of bells upon horses driven in sleighs or sleds, when there is snow upon the ground.

SEC. 3. Whoever shall, in this city, drive any animal, harnessed to a sleigh or sled, without a bell or bells attached to such animal, shall be deemed guilty of a misdemeanor.

SEC. 4. In all cases of persons meeting each other in vehicles, in any highway or thoroughfare in this city, each person so meeting shall turn off and go to the right side of the highway or thoroughfare, so as to enable such vehicles to pass each other without accident. Whoever shall violate this section shall be deemed guilty of a misdemeanor.

SEC. 5. Whoever shall, in any highway or thoroughfare of this city, fly a kite, or use any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be deemed guilty of a misdemeanor.

SEC. 6. Whoever shall, in this city, blast or cause to be blasted any rock, without having the rock, at the time of setting off the blast, covered on all sides of the orifice with good sound plank or timber, of sufficient length, width and thickness, and so placed as effectually to prevent fragments of the rock from ascending into the air, shall be deemed guilty of a misdemeanor.

ARTICLE IV.

Offenses concerning Streets and Private Property.

§ 1. Placing animals on sidewalks, fastening animals to fire-plugs, shade trees, &c.
2. Excavations not fenced up at night.
§ 3. Excavations on highways not secured.
4. Opening in streets or sidewalks not secured.

§ 5. Water not properly conducted from eaves of houses.
6. Cellar doors, &c., left open.
7. Awning-posts, signs, merchandise, and obstructions of sidewalks, &c.
8. Merchandise hoisted on outside of building.
§ 9. Awnings to extend over sidewalk.
10. Injuries to lamp-posts, trees, &c.
11. Throwing stone coal or sawing wood on sidewalk.
12. Obstructing crossing of streets.
13. Sidewalks to be kept clean.
14. Impure ice.

SECTION 1. Whoever shall, in this city, lead, ride, drive, or place any beast of burden or vehicle on any paved sidewalk or footway, otherwise than going into or out of premises owned or occupied by him or his employer, or shall hitch or fasten any animal to a fire-plug or hydrant, or to any railing, fence, or ornamental or shade tree, lamp-post, or awning-post, not belonging to him or his employer, shall be deemed guilty of a misdemeanor.

SEC. 2. Whoever shall, in this city, dig, or cause to be dug, any excavation in or adjoining any highway, thoroughfare, or other public place, and shall not, during the night, cause the same to be fenced in with a substantial fence at least three feet high, the boards or rails of which shall not be more than one foot apart, shall be deemed guilty of a misdemeanor.

SEC. 3. Any citizen or contractor for public work who shall make an excavation in any highway or thoroughfare, and shall not cause poles or timbers, raised at least three feet above the ground, to be so placed as to prevent persons, animals or vehicles from falling into the same, shall be deemed guilty of a misdemeanor.

SEC. 4. Whoever shall, in this city, dig, or cause to be dug, in any highway, thoroughfare, or sidewalk, a vault, and shall not arch or cover the same over, and secure the grating or covering of the opening thereof, in such manner as to prevent persons, animals, and vehicles, from falling therein, shall be deemed guilty of a misdemeanor.

SEC. 5. Whoever, owning or occupying any building in this city, shall not cause the pipes conducting the water from the eaves of the building to be so constructed as not to

spread the water over the sidewalks, shall be deemed guilty of a misdemeanor.

Sec. 6. Whoever, in this city, shall keep or leave open any cellar door, or grating of any vault, on any highway, thoroughfare, or sidewalk, or shall suffer any such door or grating, belonging to premises occupied by him, or any such place, to be in an insecure condition, whereby passers may be in danger of falling into a cellar or vault, shall be deemed guilty of a misdemeanor.

Sec. 7. Whoever, in this city, shall set up, or cause to be set up, any awning-post, or other post, on any highway or thoroughfare, or on any sidewalk prohibited by ordinance; and whoever shall suspend or put up any awning, any part of which, or the frame-work or support thereof, shall be less than eight feet in height above the sidewalk; or any sign, sign-box, or fixture, which shall extend over or upon any sidewalk more than eighteen inches from the building line or inside of said sidewalk; or shall construct any bow-window to project more than eighteen inches from said building line; or shall paint any name, sign or device upon any awning, or any part thereof, which projects or extends more than eighteen inches over any sidewalk beyond the inside line thereof; or shall suspend any merchandise or other article in front of any house, more than eighteen inches from the wall thereof, (if less than eight feet above the pavement,) or more than two feet from the wall at any height above the pavement; and whoever shall place or throw, or cause to be placed or thrown, upon any highway, thoroughfare, sidewalk, or public place, any article whatever, so as to obstruct or otherwise encumber the same; or shall, upon any such place, expose, or offer any merchandise or other property, for show or sale, by auction or otherwise, shall be deemed guilty of a misdemeanor: Provided, that nothing in this section shall be so construed as to prevent merchants or manufacturers from occupying with their wares eighteen inches of the inside of the sidewalk, where said sidewalk is eight feet or less in width; twenty inches, if over eight feet and less than ten feet

wide; and two feet if the sidewalk is ten feet or over in width. Nor shall this section be so construed as to prevent merchants from occupying a greater space on the sidewalk, when receiving or shipping goods, if said goods are not permitted to remain more than eight hours, and at least one-half of the sidewalk is at all times kept clear for passengers. And provided further, that no person shall be prevented from occupying, for building purposes, so much of any street or sidewalk for a reasonable time, as may be assigned by the street inspector.

SEC. 8. Any person in this city who shall hoist on the outside of any building, over any thoroughfare thereof, any merchandise, grain, or building or other material or article, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than ten dollars for each and every offense.

SEC. 9. All awnings hereafter erected in this city shall be required to extend entirely over the sidewalk on which they are constructed.

SEC. 10. Whoever shall, in this city, wilfully cut, hack, or otherwise injure any lamp-post, awning-post, sign, fire-plug, hydrant, ornamental or shade tree, railing, fence, or other enclosure, or any property belonging to the city, shall be deemed guilty of a misdemeanor.

SEC. 11. Whoever shall, in this city, cast, throw, or place upon any paved sidewalk, any stone-coal or firewood, or shall saw, or permit to be sawed, any firewood upon such sidewalk, shall be deemed guilty of a misdemeanor.

SEC. 12. If any wagoner, carter, drayman, or the driver of any carriage, sleigh, sledge, buggy, furniture car, or any other vehicle for pleasure or burden, shall stop or place any such cart, wagon, dray, carriage, sleigh, sledge, buggy, furniture car, or other vehicle for pleasure or burden, in any street, lane, or public alley, or near the intersection of any street, lane, or public alley, or across the crossing or footway along or across any street, lane, or public alley, so as to obstruct the free passage on the crossing or footway along or across such

lane, street, or public alley, he shall be deemed guilty of a misdemeanor; and it shall be the special duty of the city police, in all its branches, to see that the provisions of this section are caried into effect.

SEC. 13. All persons are required to keep the paved sidewalks in front of the tenements respectively occupied by them, (and where houses are occupied by several tenants, then the person occupying the tenement or tenements nearest to the street,) swept and clear of mud, dirt, and filth, and after any fall of snow to cause the snow to be immediately removed therefrom into the carriage-way of the street, under a penalty of not less than two dollars for a failure to comply with the requirements of this section; and the street inspector shall report to the recorder all persons who by such failure have become liable to said penalty. And upon every conviction, the street inspector reporting the party convicted shall receive a fee of twenty-five cents.

SEC. 14. All ice taken from sink holes and ponds in the city of St. Louis and environs shall be deemed impure ice, and every person selling or offering for sale impure ice in the city shall be deemed guilty of a misdemeanor, and, on conviction thereof before the recorder, shall be fined not less than five nor more than fifty dollars for each offense.

ARTICLE V.

Offenses against Official Authority.

§ 1. Falsely representing officer, &c.

SECTION 1. Whoever shall, in this city, falsely represent himself to be an officer of this city; or shall, without being duly authorized by the city, exercise, or attempt to exercise, any of the duties, functions, or powers of a city officer; or shall hinder, obstruct, resist or otherwise interfere with any city officer in the discharge of his official duties; or attempt to prevent any such officer from arresting any person; or attempt to rescue from such officer any person in his custody, shall be deemed guilty of a misdemeanor.

ARTICLE VI.

Penalties.

§ 1. Penalty for misdemeanor.
§ 2. Definition of the word misdemeanor.

SECTION 1. Whoever shall be convicted of a misdemeanor under any provision of this ordinance, in a case where no special penalty is prescribed, shall forfeit and pay to this city a sum not less than three nor more than one hundred dollars for the first offense; for the second offense, of a like nature, he shall forfeit and pay not less than double the minimum penalty aforesaid; for the third offense, of a like nature, not less than treble said minimum; and so on, increasing the minimum three dollars upon each additional conviction.

SEC. 2. The word "misdemeanor," whenever it occurs in any ordinance, shall be construed to mean and to stand in lieu of "a violation of ordinance."

Approved, June 21, 1861.

(No. 4746.)

MULLANPHY EMIGRANT RELIEF FUND.

AN ORDINANCE TO PROVIDE FOR THE ORGANIZATION OF THE BOARD OF COMMISSIONERS OF THE MULLANPHY EMIGRANT RELIEF FUND.

§ 1. Board constituted; how composed; qualifications of members.
2. When to be elected, term of office.
3. Mayor to notify members of election.
4. Officers of board; to give bond.
§ 5. Board to receive property belonging to the city under the Mullanphy bequest.
6. Board to adopt plan of operations, &c.
7. Board to report to council.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. There is hereby constituted and established a board of commissioners, to be styled the board of commissioners of the Mullanphy emigrant relief fund, which shall be

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composed of the mayor of the city for the time being, and ten members, one from each ward of the city, to be elected by the board of common council, and who shall possess the same qualifications as members of the council; provided, that no member of the council shall at the same time be a member of said board of commissioners.

SEC. 2. At the first meeting after the approval of this ordinance, the common council shall proceed to elect members of said board of commissioners, by ballot, and each two members of said board shall hold their offices for a term, respectively, of one, two, three, four, and five years, to be determined by lot among themselves at their first meeting.

SEC. 3. Immediately after the election of the commissioners, the mayor shall notify the persons elected thereof, and of the time and place of their first meeting.

SEC. 4. The mayor shall be *ex officio* president of the board, and the board, at its first meeting, or as soon thereafter as practicable, shall elect a vice-president, secretary, and treasurer, or such officers as may be needful for the proper transaction of its business. The board shall require and take from its said officers proper and sufficient bonds, conditioned for the faithful discharge of their duties, and for the safe keeping and proper expenditure of all moneys and property that may come into their hands.

SEC. 5. As soon as said board shall be fully organized, they shall be authorized to demand, receive, and receipt for all moneys, stocks, bonds, notes, or other evidences of indebtedness, and all property of every description whatsoever to which the City of St. Louis may now or shall hereafter be entitled to demand and receive, by virtue of the last will and testament of the late Bryan Mullanphy, deceased.

SEC. 6. As soon after the organization of said board of commissioners as practicable, they shall devise and prepare a detailed plan for the disposition and management of all the property of said fund, and for the investment and expenditure of the proceeds, profits and increase thereof; said plan shall state as specifically as possible the mode in which all

the objects of the fund shall be accomplished, and provide necessary rules and regulations for the government and direction thereof; nor shall it be lawful for the board of commissioners to expend, or provide for the expenditure of any of the moneys belonging to said fund until such plan shall have been submitted to and approved by the board of common council; and the council may amend, alter, or reject such plan if it should be deemed necessary.

SEC. 7. The board of commissioners shall make semi-annual reports to the board of common council, giving detailed statements of their operations, and of their receipts and expenditures, and of the general condition of the fund.

Approved, November 17, 1860.

(No. 4423.)

NEGROES AND MULATTOES.

AN ORDINANCE IN RELATION TO NEGROES AND MULATTOES.

§ 1. Negro or mulatto not to be out at night after certain hours.
2. Mayor may give general pass to free negroes; master may give pass to slave.
3. Negroes not to hold night meetings without permission from mayor.
4. Mayor to inform captain of guard of such permission.
§ 5. Penalty against negro found at unpermitted assemblage.
6. Penalty against white person found at negro ball.
7. Master to be notified of arrest of slave.
8. Guard may deliver slave to master.
9. No person but master or mistress to give pass.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Any negro or mulatto, bond or free, who shall be found without a pass between the hours of ten o'clock P. M. and four o'clock A. M., in a grog-shop, tippling-house, tavern or beer-house, not his place of abode, or abroad in the city from his usual place of abode, unless he be going to or coming from some lawful place of business or lawful assemblage, shall forfeit and pay for the first offense not less than one nor more than five dollars; for the second offense, not

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Lord Chief Justice Holt, in the case of Coggs v. Bernard, 2 Ld. Raym. 909, 1 Smith's Lead. Cas. 175, divided bailments into six classes, namely: 1. A bailment without reward, for the exclusive benefit of the bailor. 2. A bailment for hire, for the exclusive benefit of the bailee. 3. A bailment for the mutual benefit of both bailor and bailee. 4. A bailment for hire, for the benefit of the bailor. 5. A bailment without reward, for the benefit of the bailee. 6. A bailment for hire, for the benefit of both bailor and bailee.

a slave who may be found abroad at night in violation of this ordinance, or at any assemblage at night not permitted as aforesaid, he may, if he believe that the slave has not been guilty of any other offense, deliver him to his owner, master or employer, without taking him to the calaboose.

SEC. 9. Whoever, not being the master, mistress, or employer of a slave, shall furnish such slave with a pass, shall forfeit and pay not less than twenty nor more than one hundred dollars.

Approved April 1, 1859.

(No. 4860.)

NEW LIMITS.

AN ORDINANCE REGULATING PROCEEDINGS OF COMMITTEE OF IMPROVEMENTS FOR THE NEW LIMITS.

§ 1. New limits defined.
2. Collectors to distinguish between revenue derived from new limits from that derived from old limits.
3. Auditor to set apart half of new limit revenue, which shall be appropriated to improvements therein.
4. Board of improvement how constituted; to decide where improvements shall be made.
§ 5. Proceedings where a street forms division line between wards.
6. Committees of improvement, when to meet; to keep record of proceedings
7. Powers and duties of committees.
8. Duty of city engineer.
9. Engineer, how to be governed in making contracts; regulations as to payment for work.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The new limits of the City of St. Louis, within the meaning of an act of the general assembly of the State of Missouri, approved January sixth, one thousand eight hundred and forty-seven, are hereby declared to be that portion of said city added thereto by an act of the general assembly of the State of Missouri, passed on the fifteenth [of] February, in the year one thousand eight hundred and forty-

one, entitled "An act to amend an act to incorporate the City of St. Louis."

SEC. 2. It shall be the duty of the collectors of the revenue of each ward in the city to keep a book, in which they and each of them shall insert the amount of revenue by them collected in their respective wards within said new limits, so as to distinguish the revenue accruing from taxes on the property situated within said new limits, as also the amount of revenue derived from tax on licenses collected within the same from the revenue accruing from taxes and licenses in the old limits of the city, as they existed before the passage of the above last recited act of one thousand eight hundred and forty-one.

SEC. 3. When the whole city revenue of each year shall have been collected, and there shall have been paid out or deducted from the net aggregate amount derived from taxes and licenses of every kind, all expenses of the city hospital, except for additions and enlargement of the buildings, all quarantine or extra expenses (except for buildings) that may have been incurred within the year on account of the danger or prevalence of epidemic disease, and also all interest that may accrue upon money borrowed for the construction of public sewers within the city, which have or may be constructed at the expense of the city, then it shall be the duty of the auditor, and he is hereby required to set apart and keep one-half of the remaining revenue derived from taxes and licenses as aforesaid within said new limits separate and apart from the other revenue of the city, and shall so enter the same on the books of his office, designating the several amounts collected in the respective wards, which shall be set apart and appropriated to the making and grading and improving the streets within the said new limits, and outside of the said old limits in each of the several wards in proportion to the amount of such revenue derived from each respectively.

SEC. 4. The members of the common council from each ward, for the time being, shall constitute a standing commit-

tee on improvements for the new limits of said ward, and shall determine upon and report to the council what streets within the new limits they recommend the improvement of, and the amount to be expended in said improvement, which report shall be in writing, signed by said committee, and shall be published daily, for at least four days, in two papers publishing the proceedings of the council; and if the council then concur in the report, they shall pass an ordinance providing for such improvement, as in other cases.

SEC. 5. Whenever a street shall form the division line between that part of any two wards within the new limits, the councilmen representing such adjoining wards for the time being may act jointly, and recommend that an equal amount shall be appropriated from the reserve fund of each ward to improve such street.

SEC. 6. Said committee on improvement of each ward shall meet on the third Tuesday of April in each year, at three o'clock P. M., in the city hall, when they shall enter in a book, prepared for that purpose, their proceedings exactly and minutely, so that said book shall exhibit a full, true and faithful record of the proceedings from time to time.

SEC. 7. Each committee on improvement shall have power to adjourn from time to time, and at their meeting to determine on what streets and other public improvements within the new limits of their respective wards the proportion of revenue reserved and set apart for the use thereof shall be applied and expended, and the amount that shall be appropriated to every such improvement; and when they shall have determined on any improvement within the ward and the amount to be expended thereon, it shall be the duty of said committee to make to the council a full report of their proceedings in relation thereto, signed by them.

SEC. 8. It shall be the duty of the city engineer to give such information or assistance to the said committees in their respective wards as may be required of him for the purpose of carrying into effect the objects and purposes of

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this ordinance, and the law of the general assembly of the State of Missouri on which this ordinance is based; and whenever any improvement is determined on as provided in the seventh section of this ordinance, the city engineer, when notified of the act, shall cause the same to be put under contract, under the direction of the said committee, and superintend the making and completion of said improvement in pursuance of said contract, and make report thereof to the council as in other cases of city improvements.

SEC. 9. In making said contract or contracts the city engineer shall be governed by the same rules as are observed in making other contracts for city work, and when payment is claimed under any contract so entered into, it shall be his duty to certify that fact to said committee, stating at the same time whether, in his opinion, payment should be made or not. If he certifies that said payment should be made, then the committee shall make a requisition on the auditor therefor, who shall draw his warrant on the treasurer for the amount so certified to be due by the city engineer, in favor of said claimant, when the same, on presentment to the treasurer, shall be paid. If the city engineer certifies that said payment should not be made, he shall give his reasons therefor, which shall be acted on with as little delay as possible; and if the committee decide that said money should be paid, they shall cause the same to be paid as hereinbefore provided, where the city engineer certifies in favor of payment. If the committee should refuse the payment of the amount claimed, all the proceedings connected therewith shall be reported to the council, who shall act thereon without unnecessary delay.

Approved, May 31, 1861.

(No. 4877.)

OFFICERS.

AN ORDINANCE CONCERNING OFFICERS, APPOINTMENTS, SALARIES, ETC.

ARTICLE I.

Appointments, Official Bonds, &c.

§ 1. Qualifications of officers.
2. Not to act without commission.
3. To take official oath and give bond.
4. Form of official bond.
5. Bonds how approved; certain officers not to be securities.
6. Commissions, when to issue.
7. Nominations to be made to board of common council, when.
8. Nomination rejected, mayor to make another; confirmed, notice to be given to register.
9. Vacancies, how filled.
10. Vacancies in elective offices, how filled.
11. Office vacated by absence from city.
12. Mayor may grant leave of absence; penalty for absence without leave.
13. President of board of common council to be notified of mayor's intended absence, and to act as mayor.
§ 14. Officers to deliver books, papers, &c., to their successors.
15. Books, papers, &c., of all officers subject to mayor and comptroller's inspection.
16. Certain offices to be kept in city hall.
17. Certain officers not to hold more than one office, or engage in other avocation.
18. No officer to deal in the purchase of city warrants.
19. Officers to report amount of fees to council.
20. Penalty for misdemeanors in office.
21. Term of office.
22. Official reports to be spread at large on journals of council.
23. Officers to give information to successors; penalty for refusing.
24. Certain officers authorized to administer oaths.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Every person elected or appointed to an office under this city, except the city engineer, and assistant engineers, shall be a citizen of the United States, over twenty-one years of age, and shall have resided in this city at least one year next preceding his election or appointment.

SEC. 2. No person shall perform the duties of an office to which he may have been elected or appointed, until commissioned, as hereinafter provided.

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SEC. 3. Every person so elected or appointed shall, before entering upon the duties of his office, make and subscribe an oath before a proper officer, that he will support the constitution of the United States, and of this State, and the charter and ordinances of the City of St. Louis, and faithfully demean himself in his office; and when bond is required, shall give the same; which oath and bond shall be filed with the city register.

SEC. 4. Official bonds shall be made to the City of St. Louis, and shall be conditioned, when not otherwise prescribed, for the faithful performance, by the officer, of all acts and duties required of him in his office, by any law of the State of Missouri, or ordinance of this city, existing at the date of the bond, or subsequently passed.

SEC. 5. Such bonds, before being executed or approved by the mayor, shall be presented to the city counselor, or, in his absence or inability to act, to the city attorney, for his approval of the form thereof. If his approval in that respect be written thereon, the same shall be executed and presented to the mayor, for his approval of the security offered, which, being approved, the register shall receive and file such bond: Provided, that no person shall be accepted as security on any such official bond who is at the time a member of the common council, or acting as city comptroller, city auditor, city treasurer, city register, city engineer, superintendent of water-works, superintendent of workhouse, city recorder, city attorney or counselor.

SEC. 6. Upon said oath or bond being filed with the register, he shall deliver to the person elected or appointed, except members and officers of the council, a commission, in the name of, and signed by the mayor, and under the seal of the city, authorizing and empowering such person to discharge the duties of the office for the term for which he has been elected or appointed, and [until his successor shall have been duly elected or appointed, and] commissioned.

SEC. 7. On or before the third Monday in May, in each year, the mayor shall nominate to the board of common

council, (if then in session, if not, then as soon thereafter as the board shall be in session,) for their advice and consent, the names of suitable persons to fill the several offices under the city government, which are required to be filled by his appointment, with the advice and consent of that board, and not directed by ordinance to be nominated at some other time.

SEC. 8. If any nomination, so made, be rejected, the mayor shall immediately make another; if confirmed, the president and clerk of the board of common council shall certify the fact to the city register, who shall immediately notify the appointee thereof.

SEC. 9. If a vacancy occur while the council is in session, in any office which is filled by the mayor's appointment, the mayor shall immediately nominate a person to fill the same, who, when confirmed by the board and qualified and commissioned, shall hold the office for the unexpired term thereof. If the council be not in session, the mayor shall appoint a person to fill the office until the next stated session of the council, when a nomination to fill the same shall be made.

SEC. 10. If a vacancy occur in an elective office, the mayor shall appoint a person to fill the same until an election be held and a person be elected; and he shall, unless such vacancy occur within one hundred days before the time of holding a general election, immediately order a special election to fill the same.

SEC. 11. Any officer of this city who shall leave the same with the intention of residing thereout, or to be absent therefrom, without the written permission of the mayor, shall thereby vacate his office, and the mayor shall order an election, or fill the same as in case of any other vacancy.

SEC. 12. An officer desiring to be temporarily absent from the city shall apply to the mayor for leave of absence, which may, in the discretion of the mayor, be granted in writing for any time not exceeding twenty days, and when granted shall be filed with the register; and any officer who shall be absent from the city more than one week without such leave,

shall forfeit and pay not less than ten nor more than one hundred dollars.

SEC. 13. If the mayor shall, at any time, intend to be absent from the city more than one week, he shall notify the president of the board of common council thereof, who, during the mayor's absence shall exercise all his duties and powers. During the mayor's absence, he shall receive no salary, but the salary of his office shall, for the time, be paid to the person acting as mayor.

SEC. 14. Every officer shall, upon going out of office, deliver to his successor all books, papers, furniture, and other things appertaining to his office.

SEC. 15. Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the mayor or comptroller, or any member of the council.

SEC. 16. The mayor, engineer, auditor, comptroller, treasurer, superintendent of the water-works, recorder, and marshal, shall keep their offices in the city hall, or in such other place as the council, by ordinance, may provide.

SEC. 17. Neither the city register, city auditor, city marshal, the city engineer, city treasurer, comptroller, nor the president of the board of assessors, shall, while holding office under the city, hold any other office established by this city, or by any other authority, except that of notary public, and offices in the militia of this State, (when not in actual service,) or act as deputy of any officer, or engage in any business or avocation which will interfere with his giving full and constant attention to the duties of his office.

SEC. 18. No officer of this city, nor any deputy, clerk, or employee of any such officer, nor any servant or agent of this city, shall, directly or indirectly, himself or by another, for his own or another's benefit, deal in the purchase of city warrants, bonds, or other obligations of this city.

SEC. 19. All officers who receive fees in addition to a stated salary, as well as those who are entitled to receive fees or commissions only for their services, shall, at the opening of stated session of the council, report to that body, under

oath, the whole amount of fees and commissions received by them, respectively, during the preceding six months.

SEC. 20. Any officer of this city who shall refuse, or willfully fail or neglect to perform any duty enjoined upon him by law or ordinance, or shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, partiality, or willful wrong or injustice, shall forfeit and pay a sum not exceeding five hundred dollars, and may be removed from office.

SEC. 21. All officers of this city, unless otherwise provided by law or ordinance, shall hold office for one year, and until their successors shall be duly elected or appointed and qualified; and their terms of office, where not otherwise directed, shall commence on the first Monday in June in each year.

SEC. 22. All reports, which officers are obliged to make to the council, shall be published; and all such reports and other official communications from city officers to the council, shall be spread at large on the record of the board.

SEC. 23. It shall be the duty of the old city officers to remain with their successors at least two weeks after they are qualified, and give them all information in their power relative to their respective offices, if so required; and if they refuse so to do, they shall be deemed guilty of a misdemeanor, and subject to a fine of not less than one hundred dollars.

SEC. 24. The mayor, register, auditor, comptroller, treasurer, clerk of the recorder's court, city engineer, superintendent of the water-works, harbor master, lumber master, [measurers,] wood master, market masters, assessors, and collectors, are hereby authorized and empowered to administer oaths and affirmations in all cases relating to the several duties of said offices respectively.

ARTICLE II.

Suspensions and Removals.

§ 1. Mayor may suspend officer, when.
2. Suspension, how made.
3. Vacancy, caused by suspension, to be filled.
4. Charges to be laid before council.
5. Council, how to proceed.
6. Copy of specifications to be delivered to accused, and notice of time of trial to be given.

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§ 7. Table before council, how to be vacated with.
8. Vacancy in council or charges, how and when to arise.
9. Proceedings to be entered at large in council book.
10. Judgment to be issued for writ of summons.
11. Witnesses may be produced when.
12. Depositions may be read in council.
13. Council to be board.
14. Witnesses allowed fees.
15. Costs, how and by whom to be paid.
16. Officers not to receive salary, when.
17. Officers appointed may be removed by mayor.

SECTION 1. The mayor shall have power to suspend from office any elective officer who shall wilfully violate any of his official obligations.

SEC. 2. Such suspension shall be effected by an order filed by the mayor with the register, accompanied with a statement of the charges upon which the same is founded; a copy of which order and charges shall be immediately served on the officer suspended; after which delivery, such officer shall cease to exercise any of the duties of the office from which he shall have been suspended, under a penalty of not less than fifty dollars.

SEC. 3. Immediately upon the suspension of an officer, the mayor shall appoint a person to fill the office from which he is being.

SEC. 4. The charges preferred as aforesaid, the mayor shall immediately lay before the council, if in session; if not, at its first meeting; and the council shall, without unnecessary delay, proceed to investigate such charges in the manner hereinafter provided.

SEC. 5. Whenever any officer shall have been suspended as aforesaid, or shall be charged with wilful violation of any of his official obligations, or with culpable official negligence or dereliction of duty, or with conduct inconsistent with his official character and duty, or with official incompetency, the council shall appoint a committee of two members to inquire into the truth of said charges; who, if they deem the same well founded, shall frame and report to the board articles and specifications against such officer, and the council shall appoint a day for hearing and determining the same.

SEC. 6. A copy of such charges and specifications, with a notice of the day set for hearing the same, shall be served on the accused, at least five days before the day of hearing.

SEC. 7. Upon the day so set, the council shall meet and proceed according to the rules of the board to hear the evidence against and for the accused; adjourning from time [to time] as may be necessary, until all the evidence shall have been given.

SEC. 8. Within three days after the evidence shall have been taken, the council shall vote by ayes and noes upon each charge and specification separately. The question upon each charge shall be: "Is the accused guilty?" If the council, by a two-third vote of the board, find the accused guilty of either of the charges, they may resolve that he be removed from office; and if they so resolve, they shall notify the mayor thereof, who shall thereupon order an election or appoint a person to fill such vacancy, as the case may require.

SEC. 9. The proceedings of the council, as aforesaid, shall be entered at large on the journal of the board.

SEC. 10. Subpœnas for witnesses to testify on any trial, as aforesaid, shall be issued by the president of the board of common council, and shall be served and returned by the city marshal in like manner as if issued by the recorder, and the same fee shall be allowed him as for serving and returning subpœnas issued by that officer.

SEC. 11. Any witness who shall neglect to obey such subpœna, or, appearing, shall refuse to testify, may be punished by imprisonment or fine, or both.

SEC. 12. Depositions of witnesses beyond the jurisdiction of the council, or disabled by sickness or other causes from attendance, may be read on the trial, if taken in conformity to the laws of this State. The notice of the taking thereof, when taken on behalf of the accused, shall be served on the city attorney, or, in his absence or disability to act, on the mayor.

SEC. 13. Upon any trial had, as aforesaid, the accused

shall be entitled to be heard by himself or counsel in his defense, and the city attorney shall attend the trial and prosecute on behalf of the city, unless he be accused, when the city counselor shall prosecute.

SEC. 14. Witnesses upon such trial shall be entitled to the same fees as for attendance on the recorder's court.

SEC. 15. When the accused is found guilty and removed from office, he shall be adjudged by the council to pay all costs of the trial, for which execution shall be issued by the president of the board. If acquitted, that officer shall certify the amount of the costs and the names of the persons to whom they are due, to the auditor, who shall draw his warrant on the treasurer, in favor of each person, for the amount due him.

SEC. 16. No officer shall receive any salary during the time he shall be absent from the city without leave, or during the time he shall be suspended by the mayor for a supposed misdemeanor in office, nor until the council shall decide the case.

SEC. 17. Nothing in the preceding section shall apply to any officer appointed by the mayor and approved by the board of common council; but all officers appointed, the mayor shall have power to remove.

ARTICLE III.

Deputies.

§ 1. What officers may appoint deputies.
2. Deputations, how made and revocable; power of deputies.
§ 3. Principal responsible for acts of deputies; to pay salaries of deputies, unless.

SECTION 1. The city register, city comptroller, city treasurer, and city engineer, may, with the consent of the mayor, appoint one or more deputies, who shall be citizens of the United States, and citizens of the State of Missouri, and not less than twenty-one years of age.

SEC. 2. Deputations shall be in writing and filed with the city register, shall be revoked at the pleasure of the principal, and shall authorize the performance of ministerial acts only.

SEC. 3. The principal shall be liable for the acts of his deputies as if they were his own, and shall pay their salaries, unless when otherwise provided by ordinance.

ARTICLE IV.

Official Bonds.

§ 1. Amount of official bonds.

SECTION 1. The official bonds of the following officers shall be in the following sums, to-wit: The fund commissioner, one hundred thousand dollars; the comptroller, sixty thousand dollars; the auditor, register, engineer, counselor, marshal, and harbor master, ten thousand dollars each; the treasurer, sixty thousand dollars; the collectors of the fifth and sixth wards, fifty thousand dollars each; all others, twenty-five thousand dollars each, with at least four sufficient securities; superintendent of water-works, fifteen thousand dollars; the register of water rates, ten thousand dollars; collectors of water rates, five thousand dollars each; land commissioner, ten thousand dollars; president of the board of assessors, three thousand dollars; assistant assessors, two thousand dollars each; superintendent of workhouse, five thousand dollars; street inspectors, two thousand dollars; resident physician at city hospital, one thousand dollars; steward and matron of city hospital, one thousand dollars each; steward of quarantine, one thousand dollars; wood-master, two thousand dollars; chief engineer of the fire department, ten thousand dollars; chief operator fire alarm telegraph, five thousand dollars; clerk of recorder's court, one thousand dollars; the inspector of flour, the market masters of the City, the Centre, and North markets, five thousand dollars each; the lumber master, [measurers,] three thousand dollars; the city attorney, the inspectors of butter, lard and tallow, and of beef and pork, two thousand dollars each; the weighers of hay and stone coal at the city scales, one thousand dollars each.

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ARTICLE V.

Salaries and Compensation.

§ 1. Salaries and compensation of officers.
2. Salaries to be full compensation, and all fees to be paid into the treasury.
§ 3. The word "officer" defined.
4. Repealing clause.

SECTION 1. The several officers and employees hereinafter named shall receive the following compensation, per annum, for their services, to-wit: Mayor, twenty-five hundred dollars; comptroller, two thousand dollars; deputy comptroller, nine hundred dollars; delinquent tax clerk, seven hundred and twenty dollars; register, fifteen hundred dollars; deputy city register, six hundred dollars; auditor, sixteen hundred dollars; auditor's clerk, eight hundred dollars; treasurer, fifteen hundred dollars; clerk of the board of common council, twelve hundred dollars; superintendent of water-works, sixteen hundred dollars, payable out of water-works fund; register of water rates, fifteen hundred dollars, payable out of water-works fund; city engineer, two thousand dollars; two assistant engineers, each twelve hundred dollars; city engineer's clerk, nine hundred dollars; two field hands, each three hundred and sixty dollars; three superintendents of streets, each seven hundred dollars; five street inspectors, each six hundred dollars; harbor master, sixteen hundred dollars; city attorney, two thousand dollars; recorder, eighteen hundred dollars; clerk of recorder's court, eight hundred dollars; city marshal, twelve hundred dollars; three deputy marshals, each six hundred dollars; chief engineer fire department, fifteen hundred dollars; assistant engineers fire department, each eight hundred dollars; engineers of fire engines, each eight hundred dollars; stewards, drivers and firemen of engines, each four hundred and eighty dollars; secretary of board of fire engineers, six hundred dollars; sergeant-at-arms, six hundred dollars; messenger boy, one hundred and fifty dollars; health officer, one thousand dollars; clerk of board of health, eight hundred dollars, payable monthly, out of appropriation

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for health department; resident physician at hospital, one thousand dollars; steward at hospital, six hundred dollars; matron at hospital, four hundred dollars; superintendent of workhouse, twelve hundred dollars; superintendent of house of refuge, eight hundred dollars; city counselor, fifteen hundred dollars; land commissioner, eight hundred dollars; fund commissioner, five hundred dollars; inspector of vehicles, five hundred dollars; president of board of assessors, fifteen hundred dollars; four assessors, each six hundred dollars; assessor's clerk, eight hundred dollars; weighers of north and south levee coal scales, each five hundred dollars; market masters of the Centre, City and North markets, each six hundred dollars; wood master, six hundred dollars; chief operator fire alarm telegraph, seven hundred and twenty dollars; two assistant operators, each six hundred dollars; the members of the board of health shall each receive two dollars for each meeting, when present, and no excuse for absence shall entitle a member to receive the per diem, or any allowance, when so absent from a meeting of the board; quarantine steward, six hundred dollars; engineer of city hospital, three hundred and sixty dollars; engineer of water-works, one thousand dollars, payable out of water-works fund; one assistant engineer of water-works, seven hundred and twenty dollars, payable out of water-works fund; one assistant engineer of water-works, six hundred dollars, payable out of water-works fund; firemen at water-works, each four hundred and twenty dollars, payable out of water-works fund; watchman at water-works, four hundred and eighty dollars, payable out of water-works fund; one foreman at workhouse, four hundred and twenty dollars; guards at workhouse, each three hundred and sixty dollars. The compensation of the members of the council shall be (in lieu of a per diem) fixed at a salary of one hundred and twenty-five dollars for each of the two regular sessions of the same, and shall be certified to the auditor by the clerk of the board, at the end of each such regular session: *Provided, however*, that for every day's absence of any such

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member from the regular sessions, the sum of two dollars for each day shall be deducted from the amount above specified, unless the same should be remitted for good cause shown, and the balance be certified by the clerk, as above provided. The provisions of this section shall not be construed to apply to any called session of the board, but for every day's attendance at any such called session, the members so attending shall receive, in addition to the compensation specified as above, three dollars for each such day, to be certified by the clerk as before prescribed.

SEC. 2. The salaries specified in the first section of this article shall be in full compensation for the services of each officer and employee therein named, and all fees or commissions, of whatsoever character, paid to or authorized to be collected by them, or either of them, or by any other officer or employee of the city, shall be paid into the city treasury on the Saturday of each week.

SEC. 3. The word "officer," whenever used in the ordinances of the city, shall be construed as meaning all persons elected by the people of the city (except members of the council), and all persons appointed by the mayor, subject to the approval of the council, who shall have been commissioned and qualified under any ordinance of the city.

SEC. 4. All ordinances or parts thereof in conflict herewith are hereby repealed.

Approved, July 9, 1861.

(No. 4886.)

ORDINANCES.

AN ORDINANCE IN RELATION TO CITY ORDINANCES.

§ 1. Ordinance rejected by mayor and passed notwithstanding, how authenticated.
2. Ordinance becoming a law on mayor's neglect to return the same, how to be authenticated.
§ 3. Register to cause ordinances to be bound and preserved.
4. What ordinances of a general nature, not revised, to continue in force.

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§ 5. What ordinances are repealed by revised ordinances.
6. What ordinances of a private nature to continue in force.
7. Repeal of ordinance not to affect act done, &c.
8. Repeal of ordinance not to affect penalty incurred, &c.
9. Repeal of ordinance not to affect any suit, &c.
10. Construction of the terms "heretofore" and "hereafter."
11. Construction of words importing number.
12. Construction of words importing number and sex.
§ 13. Construction to be put on last two sections.
14. Repeal of a repealing ordinance not to revive former ordinance.
15. Repeal of ordinance not to affect tenure of office, &c.
16. Titles of ordinance to indicate subject matter.
17. Ordinances to take effect from approval, unless.
18. Revised ordinances to be construed to have been passed on same day.
19. Translator, to translate ordinances into German, to be employed.
20. To take official oath, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. When an ordinance that has passed the common council shall be presented to the mayor for his approval, and shall be returned with his objections thereto, and if, upon reconsideration, it shall pass the council by a vote of two-thirds of all the members elected, as provided and required by the city charter, such ordinance shall be authenticated as having become a law, by a certificate endorsed thereon as follows: "This ordinance having been returned by the mayor with his objections thereto, and after reconsideration having passed the common council by a vote of two-thirds of all the members elected to the council, as provided and required by the city charter, has become a law this —— day of ——, A. D. 18—"; which, after being signed by the president of the board, shall be a sufficient authentication thereof; and such ordinance, after being signed as aforesaid, shall be transmitted to the register, who shall file and preserve the same in his office.

SEC. 2. Any ordinance which shall have passed the council, and shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him for his approval, thereby becoming a law, shall be authenticated by the register's certificate endorsed thereon, as fol-

lows: "This ordinance having remained with the mayor five days (Sunday excepted), and the council being in session, it has become a law, this ——— day of ———, A. D. 18—"; which ordinance, thus certified, shall be filed and preserved as in other cases.

SEC. 3. It shall be the duty of the register, as soon as practicable after the adjournment of any stated or special session of the council, to cause the original ordinances of the council, passed at such stated or special session, to be bound in a strong and substantial manner and properly labelled, and shall make a written index of the subject of each ordinance, its number, and date of becoming a law, and the register shall preserve the volume thus bound safely in his office.

SEC. 4. All ordinances and resolutions of a general, public and permanent nature, not revised at the present session of the council, and not repealed by or repugnant to some ordinance passed at the present session of the council, shall be and they are hereby continued in full force and effect.

SEC. 5. All ordinances of a general, public, and permanent nature, revised at the present session of the council, (so soon as such revised ordinances shall take effect,) shall be taken and construed as repealing all ordinances and parts of ordinances inconsistent with or repugnant thereto, and which were in force at the commencement of the present session of the council.

SEC. 6. All ordinances and resolutions of a private, local, or temporary nature, in force at the commencement of the present session of the council, not repealed by or repugnant to some ordinance passed at the present session of the council, shall continue in force, or expire, according to their respective provisions or limitations.

SEC. 7. The repeal of any ordinance, or part or parts of any ordinance or resolution, by this ordinance, shall not affect any act done, or right accrued or established, in any proceeding, action, suit, or prosecution, or other thing, had or commenced previous to the time when such repeal shall take effect; but every such act, right, or proceeding, shall remain

and continue as valid and effectual as if the provisions of any such ordinance or [joint] resolution had remained in force.

SEC. 8. No offense committed, and no fine, forfeiture or penalty incurred previous to the time when the provisions of any ordinance, parts of an ordinance, or [joint] resolution, shall be repealed, shall be affected, released, or in any way discharged by such repeal; but the trial, conviction, and punishment of all such offenses, and the recovery of such fines, forfeitures, and penalties, shall be had in all respects as if such provision had remained in force.

SEC. 9. No action, prosecution, suit, or proceedings, pending at the time any ordinance or part of an ordinance shall be repealed, shall be affected in any way by such repeal; but any such action, prosecution, suit, or proceeding, shall proceed in all respects as if such ordinance or part of an ordinance had not been repealed; except, that any such action, prosecution, suit, or proceeding, had or begun after the ordinances revised at the present session of the council shall take effect, shall be conducted in conformity with the provisions of such revised ordinances, and shall be in all respects subject to the provisions thereof, so far as they are applicable.

SEC. 10. Whenever the term "heretofore" occurs in any ordinance, it shall be construed to mean any time previous to the day when such ordinance shall take effect; and whenever the term "hereafter" occurs, it shall be construed to mean any time after such ordinance shall take effect.

SEC. 11. Whenever, in any ordinance or resolution, words importing the plural number are used in describing or referring to any matter, parties, or persons, any single matter, party, or person, shall be deemed to be included, although distributive words to that effect may not be used.

SEC. 12. When any subject, matter, party, or person, is described or referred to in any ordinance, by words importing the singular number, or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included.

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SEC. 13. The rules prescribed in the last two sections shall apply in all cases unless it shall be otherwise expressly provided in any ordinance, or unless there be something in the subject or context repugnant to such construction.

SEC. 14. When an ordinance repealing a former ordinance, clause, or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision, unless it be expressly so provided.

SEC. 15. The tenure of any office, or accountability of any officer of the city, shall not be affected by the repeal of any ordinance, clause, or provision, unless it be otherwise expressly provided in the repealing ordinance.

SEC. 16. All ordinances of the council hereafter passed shall have a title indicative of the nature and object thereof.

SEC. 17. All ordinances hereafter passed shall take effect and be in force from the date of their approval or authentication, as hereinbefore provided, unless it be otherwise expressly provided; and if any bill be introduced in the council containing a provision that the same shall take effect upon its passage, the clerk of the board shall strike out such provision.

SEC. 18. For the purpose of construction, the revised ordinances passed at the present session of the council shall be deemed to have been passed, approved, or authenticated, on the same day, notwithstanding they may have been passed, approved, or authenticated, on different days or times; but if different ordinances [or any provision of different ordinances] are repugnant to each other, that which shall have been last passed, approved, or authenticated, shall prevail; and so much, and such parts of any prior ordinance, clause, or provision, as shall be inconsistent with such last ordinance, [clause, or provision,] shall be deemed to be repealed thereby.

SEC. 19. A translator shall be appointed in the same manner as other city officers, whose duty it shall be to translate into the German language the ordinances and resolutions of the council, and all other matters which may be directed to be published in the German language, and return his trans-

lations to the city register, who shall cause them to be published by the printer employed for that purpose.

SEC. 20. The said translator shall, before entering into office, take and subscribe, and file with the register, an oath, to the effect, that he will truly and correctly translate all matters submitted to him by the city for that purpose; and shall receive for his services fifteen cents for each square of sixteen lines of nonpareil type translated by him, the same to be computed from the printed copy of the English original,

Approved, July 12, 1861.

(No. 4867.)

PARKS AND PUBLIC SQUARES.

AN ORDINANCE RELATING TO PARKS AND PUBLIC SQUARES.

§ 1. City shall subscribe for improvements to parks and squares, when.
2. Report of expenditures to be made to council.
3. Washington square and Missouri park board of improvement to be elected, when; duty of board.
4. Other boards of improvement elected, when.
5. Lafayette Park; board of improvement, how constituted.
§ 6. Powers of board of improvement of Lafayette park.
7. Board may contract with a keeper for park, and prescribe rules for its government.
8. Military reservation in Lafayette park; who to constitute committee.
9. Hyde Park and Lafayette park, comptroller to see that provisions of leases are complied with.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Whenever and as often as the proprietors of the property fronting upon or lying adjacent to any public square or park, belonging to, or under the control of, and in the City of St. Louis, shall raise by private subscription any sum to be paid in one or a series of years, and to be expended in the ornamenting and permanent improvement of such square or park, the mayor of the City of St. Louis shall thereupon subscribe, for and in behalf of the said city, an amount equal to the aggregate of the sum thus raised, which

amount shall be paid within one year from the time of the subscription: Provided, the sum thus to be paid by the city for any one square or park shall not exceed in any one year the sum of three thousand dollars; and provided further, that the entire fund thus raised by said proprietors and the city be expended under the direction of the council, or by persons nominated and elected by it.

SEC. 2. A full report of all such expenditures shall be annually made to the council by the persons appointed to make the same, which shall be paid out of appropriation for public parks and squares.

SEC. 3. At the first called or stated session of the council of each year, there shall be elected by the board of common council a committee of four persons, to be entitled the Washington square and Missouri park board of improvements, two of whom shall be members of the council, and the remaining two shall be selected from persons living in the vicinity of said public grounds, who, in conjunction with the mayor, shall be charged with the duty of carrying [out] the provisions of this ordinance, so far as relates to the public grounds named in this section.

SEC. 4. A committee of improvement for any other of the public squares or parks may be elected in like manner, and charged with like duties, whenever the proprietors of property fronting or adjacent to any such public grounds shall raise by subscription any sufficient sum of money, as provided for in the second section of this ordinance.

SEC. 5. The public square lying between Mississippi, Missouri, Lafayette, and Park avenues, shall be hereafter known and designated as "Lafayette park." The board of improvement constituted for the purpose of managing the enclosing and planting of said square shall consist of five persons, of whom the mayor and city engineer shall at all times be ex-officio two members thereof, the other three to be elected by the council from among the citizens residing and owning property in the vicinity of said square, every two years, to

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hold office until their successors be duly elected. The mayor shall be president of said board.

SEC. 6. Said board of improvement shall have authority, subject to the approval of the council, to adopt plans of enclosing and improving said square, and at all times to superintend the improvements thereon and make the necessary disbursements, and shall make a detailed report of the same to the council at the commencement of each stated session of the same.

SEC. 7. Said board may contract with a person suitably qualified to serve as keeper of said square, upon such terms, and granting him such privileges and immunities to compensate him for his services, as shall not conflict with the public interests; and further, to prescribe such rules and regulations as are necessary for the government of said square: Provided, that the authorities [authority] granted in this section shall at all times be subject to the approval of the council.

SEC. 8. The plateau of not less than eight acres, laid off and reserved in said park for the use of the military of this city, shall be under the supervision and control of a military committee, composed of the following named gentlemen: Col. Thornton Grimsley, Col. A. R. Easton, Col. R. M. Renick, Col. George Knapp, Captain Henry Almstedt.

SEC. 9. It shall be the special duty of the comptroller to see that the terms of the leases heretofore executed to Edward C. Krausnick, of Lafayette park, and to the lessees of Hyde park, shall be strictly complied with, and that said parks be practically opened to the public, subject to proper rules and regulations for good order.

Approved, June 21, 1861.

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(No. 4437.)

PRINTING.

AN ORDINANCE REGULATING CITY PRINTING.

§ 1. Proceedings of council and official communications to be published, when, how.
2. Delinquent tax list to be published, when.
3. Delinquent tax list, regulations concerning publication of.
4. Revised ordinances to be printed, when; how to be bound.
§ 5. Job printing to be done under direction of mayor and comptroller.
6. Comptroller to examine accounts for printing, and certify the same to auditor.
7. Papers doing city printing to advertise their established rates; auditor not to audit any bill exceeding such rates.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The proceedings of the board of common council, together with an abstract explanatory of the nature and purpose of all petitions, memorials and remonstrances, all motions, propositions, bills, resolutions, and orders; also, in full, the communications of the mayor, and other city officers; and the proceedings of the board of health, shall be published in two newspapers printed in the city of St. Louis within forty-eight hours after the manuscript shall have been furnished by the clerk. All ordinances shall be published within five days after their passage and approval, in two newspapers in the English, and one newspaper in the German language; and the mayor and comptroller are hereby authorized to select the said newspapers in which such printing shall be done: *Provided*, that in any contract which may be made, no greater price shall be paid than twenty cents per square of sixteen lines of nonpareil type.

SEC. 2. The delinquent tax list shall be published for one week in each of the said English newspapers, at least twenty-one days before the time specified by the comptroller for the sale of the property of the delinquent tax payers. The publishers shall each furnish to the comptroller one thousand

extra copies of the papers containing said delinquent tax list, for which extra copies the printers shall be paid five cents for each copy.

SEC. 3. In said publication, the property shall be ranged under two heads for each ward, one for general, the other for special taxes, and shall contain the names of the owners in alphabetical order, giving in proper columns such description of the property as found on the assessor's books. Notice of the time, terms and place of sale of property for delinquent taxes shall be published daily in all papers doing the city printing till the day of sale, together with a statement that extra copies of the delinquent tax list can be had by application to the comptroller.

SEC. 4. The revised ordinances shall be printed every three years under the superintendence of the revisor, elected by the board of common council, the type, size of pages, and quality of paper to correspond with the revised ordinances published in the year 1856. The binding of the same shall be done in a durable and economical manner, under the direction of, and as shall be prescribed by, the mayor and comptroller.

SEC. 5. All the job printing of the City of St. Louis shall be done under the direction of the mayor and comptroller, and by such printer or printers as for the best interests of the city they may deem it proper to select, and no printing or publishing shall be done by any other printer or publishers except those selected in accordance with the terms of this ordinance.

SEC. 6. It shall be the special duty of the comptroller to examine all accounts presented against the city for printing, and no account for printing shall be allowed by the auditor without the certificate of the comptroller that the same is correct, and that the charges therein made are in conformity to contract, and the printing charged is done under the authority of ordinance.

SEC. 7. The papers doing the city printing shall, during the continuance of their contracts with the city, contain in

their columns their established and fixed rates of printing for all such matters as are required by this ordinance, and the auditor shall in no instance audit any bill for printing which shall exceed such rates.

SEC. 8. All ordinances or parts of ordinances repugnant to or inconsistent with the provisions of this ordinance are hereby repealed.

Approved, April 27, 1859.

(No. 4357.)

PUBLIC PORTERS.

AN ORDINANCE IN RELATION TO PUBLIC PORTERS.

§ 1. Proof of character to be made to mayor; amount to be paid; bond; city register to issue license; his fee, &c.
2. Badge to be worn.
§ 3. Porters' fees fixed.
4. Penalty for certain offenses.
5. Penalty for porter permitting another to wear his badge.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Any person designing to exercise the business of a public porter, shall make proof to the mayor that he is a man of good moral character and sober habits, and, upon obtaining the certificate of the mayor that such proof has been made to him, shall pay to the city register the sum of five dollars and execute to this city a bond with sufficient security, to be approved by the register, in the sum of two hundred dollars, conditioned for the faithful performance of his duties, and the delivery of all property and things entrusted to him to be transported, and the payment of all damages which may accrue to any person by his negligence in the discharge of his duties, or his failure or refusal to perform them; and the city register shall deliver to him a license to act as a public porter for one year, and designate the number which he shall use in his said business.

SEC. 2. Every licensed public porter shall wear a badge

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in a conspicuous place about his person, on which shall be printed his name and the number given him by the register as aforesaid.

SEC. 3. Every licensed public porter shall be entitled to receive for conveying a load on a wheelbarrow, handbarrow, or handcart, any distance not exceeding six blocks, twenty cents; any distance more than six blocks, at the rate of twenty cents for six blocks.

SEC. 4. Any public porter who shall fail, neglect or refuse when required to transport any article, unless such porter shall be at the time actually otherwise employed; or who shall fail to wear the badge provided for in the second section of this ordinance, shall be liable to a fine of not less than one nor more than twenty dollars.

SEC. 5. No public porter shall suffer or permit any other person than himself to carry any article in his wheel or handbarrow, or handcart, or to wear his badge, under penalty of a fine of not less than one nor more than twenty dollars.

Approved, March 9, 1859.

(No. 4564.)

RAILWAYS.

AN ORDINANCE IN RELATION TO STREET PASSENGER RAILWAYS.

§ 1. Persons or corporations carrying passengers on street railways subject to the conditions of this ordinance.
2. License to be paid city; how ascertained and fixed; amount of license.
3. Penalty for refusing to make report, or take out license.
4. Rules and regulations for running cars.
§ 5. Penalty for violation of rules.
6. City not liable for damages in certain cases; companies liable for carelessness and mismanagement.
7. Owners of cars paying license released from other tax on cars and horses.
8. Fire department to have use of streets in preference to railway cars.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. Every person, corporation, company or copartnership engaged in the business of transporting passengers

from any one point to any other point within this city for hire, on street railways, shall be subject to all the conditions, stipulations and restrictions of this ordinance.

SEC. 2. All persons, companies, corporations, associations, or others embraced in the foregoing section, shall pay a semi-annual license to the city, to be ascertained and fixed as follows: The president, secretary or treasurer of any corporation, and any one member of any company or copartnership not incorporated, shall report to the city register under oath, on the first Mondays in January and July of each year, the whole number of passengers carried by them on all railway lines owned or used by them respectively during the preceding six months, or during any shorter period that said lines, or any of them, or any part of any of them shall have been in actual use or operation; and the city register shall thereupon issue a license to such person, corporation, company or copartnership for the term of six months, upon the payment of an amount equal to one-half cent per passenger during the year eighteen hundred and sixty; three-fourths of a cent during eighteen hundred and sixty-one; and during the year eighteen hundred and sixty-two, and every subsequent year, one cent per passenger upon the whole number reported.

SEC. 3. In case any such person, corporation, company, or copartnership shall fail or refuse to make the report or to pay the license provided for in the foregoing section, within ten days after the time therein specified, then every such person, corporation, company, or copartnership shall be subject to a semi-annual license at the rate of five hundred dollars for each and every car and omnibus owned and used by them respectively; and it shall be the duty of the city register, upon the failure of any such person, corporation, company, or copartnership, to pay the license herein last specified within ten days after notice from the register that the same is due and payable, to report the names of the delinquents and the amounts due by them, respectively, to the city comptroller, who shall thereupon forthwith cause suit to be brought, or other proper steps taken to recover the same.

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Sec. 1. The following rules and regulations respecting the running of trains, regulating rate and mode in hauling upon railroads, and the duties and liabilities of railroad companies and their employees, are hereby established and declared to be the law governing railroads in this State, and binding on any railroad or public thoroughfare in this State, to wit: Rule One. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Two. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Three. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Four. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Five. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Six. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Seven. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Eight. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Nine. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Ten. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Eleven. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twelve. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Thirteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Fourteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Fifteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Sixteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Seventeen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Eighteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Nineteen. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twenty. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twenty-one. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twenty-two. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twenty-three. Every railroad company shall run its trains with reference to the time of the city of Boston, and shall establish and maintain such regulations as the State Board may direct. Rule Twenty-four. 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quired to stop at the intersection of streets to receive or leave passengers, it shall be stopped so as to leave the rear platform partly over the crossing. *Seventh.* The conductor and driver of each car shall keep a vigilant watch for all vehicles, and persons on foot, especially children, either on the track or moving towards it, and on the first appearance of danger to such vehicles or persons, the car shall be stopped in the shortest time and space possible. *Eighth.* The conductor shall not allow ladies or children to leave or enter the cars while the same are in motion. *Ninth.* Conductors shall announce to the passengers the names of the streets, or the place where the cars connect with or intersect any other railway track. *Tenth.* The cars after sunset shall be provided with signal lights. *Eleventh.* The cars shall be entitled to the track, and any vehicle upon the track shall turn out when any car comes up, so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the driver of any car, shall be liable to a fine of not less than three dollars, to be recovered before the city recorder: *Provided*, that persons moving any articles from or to any vehicle, shall be allowed a reasonable and sufficient time to load or unload the same.

SEC. 5. Any person, corporation, company, or copartnership violating any of the provisions of the foregoing section, shall be subject to a penalty of ten dollars for each and every such violation, to be recovered by suit against any such offending party in the name of the city.

SEC. 6. The City of St. Louis shall not be held liable to any railway company, or individuals, for any damage resulting from the breaking of any sewer, or any water or gas pipes, or from any delay in the transportation of persons that may be caused thereby, or from delays or damages caused by fires, or otherwise; but any such railway company or individuals shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of their servants, or agents, in the management, construction, or use of their track or cars.

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SEC. 7. The owners of all street railway cars paying the license provided for in the second section of this ordinance, shall be released from all other taxes on said cars, and on the horses and mules used in the same, during the period for which said license is paid.

SEC. 8. No privilege or authority hereby granted shall be so construed as in any manner to interfere with the operations of the fire department of the city. But in all instances, in case of fire, the use of the streets where railroad tracks are laid shall be subservient to the necessities of the fire department.

Approved, December 27, 1859.

(No. 4736.)

RAILWAYS.

AN ORDINANCE TAXING STREET RAILROADS, AND FOR OTHER PURPOSES.

§ 1. Certain companies to take out license for five years; to keep and sell tickets at certain rates.
2. Presidents of companies to make return of number of cars, &c.
3. Ordinance to take effect, when; to be a contract between city and company accepting it.
§ 4. In case of refusal to pay license, duty of register; penalty.
5. This ordinance not to absolve companies from paving and repairing streets.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The St. Louis railroad company, the Missouri railroad company, the Citizens' railway company, and the People's railway company, hereafter, in addition to the tax required to be paid by State revenue law, shall each, for and during the term of five years from the approval of this ordinance, pay to the City of St. Louis an annual license of twenty-five dollars for each car regularly run over the respective roads of said companies, and, as a further consideration of the privileges granted, said companies shall prepare and keep on hand for sale, and shall sell to any

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citizen applying during business hours, passenger tickets in packages of twenty-five for one dollar, and also children's tickets, for the use of children not exceeding twelve years of age, in packages of forty for one dollar, and shall continue to keep and sell tickets at the rate named during said term of five years.

SEC. 2. The president or superintendent of said respective companies shall return, under oath, the number of cars run regularly each day during the year, and these shall be added together and divided by the number of days in the year, and the number thus given shall be charged with the license above provided for, and the amount thus ascertained shall be paid by said company.

SEC. 3. This ordinance shall not take effect as to any of the companies herein named, unless such company shall file with the city comptroller the acceptance of the company, which acceptance shall state that in consideration of the provisions of this ordinance, said company agrees to pay the annual license of twenty-five dollars for each car regularly run on their road, to be ascertained as hereinbefore provided for, and during said term of five years; that said company will, during said term of five years, keep on hand for sale and sell to any citizen, during business hours, passenger tickets in packages of twenty-five for one dollar, and children's tickets, for the use of children not exceeding twelve years of age, packages of forty for one dollar; which acceptance when filed shall constitute a contract between the city and said company for and during said term of five years.

SEC. 4. In case any of the companies mentioned in the first section of this ordinance shall fail or refuse to pay the license provided for in said section ten days after the time provided for in the second section of this ordinance, then every such company shall be subject to an annual license of one hundred dollars for each and every car owned and used by them; and it shall be the duty of the city register, upon the failure of every such company to pay the license herein last specified within ten days after notice from the register

that the same is due and payable, to report the names of the delinquents, and the amount due by them respectively, to the city comptroller, who shall thereupon forthwith cause suit to be brought, or other proper steps to be taken, to recover the same; and any failure of said companies to pay the license last specified, shall amount to a forfeiture of this contract.

SEC. 5. This ordinance shall not affect the provisions of the several ordinances requiring said companies to repair and pave that portion of the streets occupied by them, including two feet outside of the track.

Approved, October 27, 1860.

(No. 4522.)

RECORDER'S COURT.

AN ORDINANCE CONCERNING THE RECORDER'S COURT, AND REGULATING THE PROCEEDINGS THEREIN.

§ 1. A recorder's court established; justice of peace or councilman may hold court, when; salary of person officiating as recorder, how paid.
2. Jurisdiction of court.
3. Sessions of court; cases set for each day to be tried on such day.
4. Clerk to be appointed; to take oath and give bond.
5. Clerk to produce a docket each day; recorder to note on docket the judgment in each case.
6. Chief of police to furnish clerk with names of persons arrested, and of witnesses.
7. Persons in custody to be tried first; others tried in the order upon the docket.
8. Person arrested may be bailed, when, how.
9. Recognizance forfeited, when; how forfeiture may be set aside.
§ 10. Suits to be commenced on city attorney's written statements; form of.
11. Statement may charge several persons; may be tried separately, when.
12. Suits not to be dismissed for informality of statement.
13. Defendant may be detained until amended statement and affidavit are filed.
14. Recorder to issue summons; how served.
15. Trials to be summary; power to issue subpœnas and attachments.
16. Proceedings when defendant fails to appear.
17. Persons arrested by police, tried without summons or warrant, may require written statement from city attorney.
18. Marshal to bring into court persons arrested; calaboose keep-

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er to deliver prisoners to marshal.
§ 19. Jury to be composed of six persons, unless.
20. When jury is demanded, duty of recorder.
21. Jury may be summoned by some person other than the marshal, when.
22. Oath of jurors.
23. Persons accused jointly may demand separate trial.
24. Form of verdict.
25. Penalties, how jury shall assess.
26. What costs shall be collected when defendant is convicted.
27. Trivial offenses, recorder may dismiss suit on payment of costs.
28. Recorder may dismiss suit when cause of complaint has abated.
29. Informant may be adjudged to pay costs, when.
30. Person causing arrest may withdraw charge and pay costs, when.
31. Officers making arrest to attend without summons.
32. Fees of witnesses.
33. Duty of clerk when witness claims fee.
34. Continuance granted, when—proceeding relating to.
35. Continuances and motions for dismissal, when and how made.
§ 36. Depositions may be read in evidence, when.
37. Notices to be served on city attorney.
38. Recorder may appoint a person to act as city attorney, when.
39. Who to make affidavit on the part of the city.
40. Appeals may be taken to the criminal court.
41. City not required to give bond for appeals.
42. Appeal docket to be kept by clerk—what it shall contain.
43. Form of execution.
44. Marshal to take defendant to workhouse, when.
45. Person sent to workhouse may appeal, how.
46. Persons not ready to enter into bonds may appeal, how.
47. Complainant required to deposit costs with marshal, when.
48. Recorder may punish for contempts.
49. Auditor to audit accounts for costs.
50. Rules to govern recorder and marshal in certain cases.
51. Duties of clerk.
52. Clerk to keep certain books, roll of attorneys, &c.
53. State cases, duty of clerk in relation to.
54. Repealing clause.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. That there shall be and is hereby established a court in the city of St. Louis, to be called the recorder's court, which shall be held by the recorder, or, in case of his absence from the city, or his sickness, by any justice of the peace for St. Louis township, or councilman of the city, to be designated by the mayor, and who shall for the time being possess all the powers and perform all the duties which are enjoined upon the recorder by law or ordinance; and the acts

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of said justice or councilman officiating for the recorder shall have the same legal sanction and force as though performed by the recorder in person; and for the service rendered by the person officiating for the recorder, he shall be allowed the same salary, pro rata, as the recorder would be entitled to. In case the recorder should be absent, from sickness, the salary of the person officiating in his stead shall be made chargeable to the police department, otherwise, it shall be deducted from the salary of the recorder; and it is hereby made the duty of the clerk of the recorder's court to certify to the auditor the length of time any person officiating as aforesaid shall have served, whereupon the auditor shall issue his warrant accordingly, chargeable as aforesaid.

SEC. 2. The said court shall have jurisdiction of all suits for the recovery of any fine, forfeiture, or penalty, imposed for the violation or breach of any ordinance, which suits and the proceedings therein, shall be in the nature of a civil action.

SEC. 3. There shall be a daily session of the recorder's court—Sundays, Christmas, New Year, Thanksgiving day, and the Fourth of July, excepted—commencing at the hours of eight o'clock in the morning, between the first day of May and the first day of October, and at nine o'clock in the morning during the remainder of the year, and all the cases set for each day shall be tried on such day, provided there be sufficient time between the hour set for the meeting of the court and sundown of the same day, except such cases as may be continued, as hereinafter provided.

SEC. 4. There shall be appointed a clerk of the recorder's court, who shall take the oath required of city officers, and give bond to the city, in the sum of one thousand dollars, with one or more securities, to be approved by the mayor, conditioned for the faithful performances of the duties required of him, and the paying over to the city, or to any person or persons entitled thereto, all the moneys that shall come into his hands.

SEC. 5. It shall be the duty of the clerk of the recorder's

court to produce, each day, at the opening of the court, a docket, in which shall be entered all suits set for trial on that day, and the offenses for which the suits have been instituted, and the recorder shall note upon said docket the judgment or other action in each suit, so soon as the same is had.

SEC. 6. It shall be the duty of the chief of police to furnish to the clerk of the recorder's court each morning, at least a half hour before the time of opening said court, the names of all persons arrested during the last twenty-four hours, with a statement of the offenses with which they are charged, the names of the officers who made the arrests, the names and residences of witnesses, together with such other information as may be requisite.

SEC. 7. Persons in custody shall be tried first, if ready for trial; all other persons shall be tried in the order in which their names appear upon the docket.

SEC. 8. Any person arrested for a violation of ordinance may be admitted to bail by executing a bond to the city with sufficient security, to be approved by the mayor, recorder, marshal, or deputies, chief of police, or captain, or other person in charge of any station house, in double the amount of the highest penalty provided by ordinance for the violation alleged, conditioned that said person will appear upon a day therein named, before the recorder's court, to await his trial of the charges against him; and all bonds taken as above shall be forthwith filed with the clerk of the recorder's court, by the officer approving and taking such bond.

SEC. 9. If the defendant fail to appear, according to the condition of his bond, or, having approved [appeared], shall leave the court without awaiting his trial, the recorder may forfeit his recognizance, and render judgment against defendant and securities for the amount of the penalty on said bond mentioned, to be collected as other judgments of the recorder; but the forfeiture of such recognizance may at any time be set aside by the recorder, on the defendant appearing or being brought into court, within ten days after such forfeiture,

and showing good cause for the same, and paying all costs having accrued, if the recorder so require.

Sec. 10. All suits in the recorder's court, (except such as are brought by the report of the chief of police, according to provisions of section 6th,) shall be in the manner and form following: there shall be filed with the clerk of the recorder's court, a statement, signed by the city attorney, or person acting in his stead, which statement shall be in form substantially as follows:

City of St. Louis, A. D. 18....

A. B. to the City of St. Louis, debtor, to ..... dollars, for a violation of an ordinance of the City of St. Louis, entitled "An ordinance ....." [here insert the title of ordinance,] approved the ..... day of ....., A. D. 18..., in this, to wit: the said A. B., in the city of St. Louis, between the .... day of ....., A. D. 18.., and the .... day of ....., A. D. 18.., did .... [here insert particulars.]

City Attorney of the City of St. Louis.

Sec. 11. The said statement may include several persons charged with same offense, who may be tried jointly, at their discretion, and, on conviction, pay jointly fines and costs; but, if they elect to be tried separately, they shall, on conviction, pay each, separately, a fine and costs.

Sec. 12. No suit shall be dismissed for any formal defects in the statement of the city attorney, if it substantially set forth the nature of the violation alleged.

Sec. 13. When any statement, filed by the city attorney, shall be adjudged insufficient, and the suit thereupon dismissed, the defendant, if arrested under a warrant, may, at the discretion of the recorder, be detained in custody until a new statement and affidavit be filed and a new warrant be issued against him: Provided, that such detention does not exceed two hours.

Sec. 14. Upon a statement being filed, as provided in section 10, the recorder, or person acting in his stead, shall issue a summons thereon, returnable forthwith, which shall be delivered to the city marshal, who shall forthwith proceed to execute the same, either by reading it to the defendant, or by delivering him a copy thereof, or by leaving a copy of it at his usual place of abode, with a free white person of the

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family over the age of fifteen years, or by leaving a copy at his regular place of business with any clerk or person in charge thereof at the time, if over the age of fifteen years; and if the person against whom the summons shall be issued shall refuse to hear the same read, or to receive a copy thereof, the officer serving the same shall forthwith arrest him, and he shall be proceeded against as if said summons had been duly served.

SEC. 15. Upon the return of the summons by the marshal, the recorder, or person acting in his stead, shall be fully possessed of the cause, and shall proceed to hear and determine the same in summary way, and to that end shall issue subpœna for witnesses and attachments, and other summary processes, if necessary, to compel their attendance.

SEC. 16. When a defendant, duly summoned, fails to appear at the time the suit is set for trial, the recorder shall proceed to hear and examine the testimony offered on the part of the city, and shall render judgment by default against the defendant for such amount under the ordinance as he may deem justice to require; but such judgment by default may be set aside by the recorder, and a new trial granted within ten days of the rendition: Provided, that the defendant shall, within said ten days, make application and show good cause for such setting aside, and shall pay all the costs which have accrued, unless he show that he was prevented by unavoidable circumstances from attending at the trial, in which case he shall not be required to pay costs.

SEC. 17. No summons or warrant shall be issued against any person lawfully arrested by any officer or member of the city police, but in every such case a trial shall be had upon the written report of the chief of police; but the party so arrested may require of the city attorney to file a written statement setting forth the nature of the offense with which he is charged, and the ordinance under which the charge is brought, and for this purpose the recorder shall allow a reasonable time, not to exceed twenty-four hours.

SEC. 18. At the opening of the recorder's court each day, the city marshal shall bring before the court, for trial, all persons who may be in custody for violation of ordinances, and the calaboose keeper shall, for this purpose, deliver to the marshal all the prisoners in his keeping: Provided, that no party whose case has been continued to a later day, shall be required to be so brought before the court.

SEC. 19. A jury before the recorder's court shall consist of six persons, unless the parties agree to a less number, or unless the State law requires a jury of twelve.

SEC. 20. Upon a jury being demanded, the recorder shall issue his venire, returnable at the time the case may be set for trial; and if forthwith, the suit shall be put at the foot of the day's docket, and the recorder shall immediately proceed to try the next suit in order.

SEC. 21. When the city marshal is of kin to the prosecutor, or defendant, in any suit, or the defendant shall file an affidavit that the marshal is so prejudiced against him that justice may not be done in the selection of a jury, the recorder shall issue his venire to some disinterested person, who, before executing the same, shall be sworn faithfully and impartially to execute it; and who shall, for its execution, receive the same compensation as is allowed to constables for the same service in justices' courts.

SEC. 22. Jurors shall be sworn or affirmed to well and truly try the matter in issue, and a true verdict render according to the law and the evidence.

SEC. 23. Persons jointly charged shall have a separate trial if they demand it before the trial be gone into, or before the jury be impanneled.

SEC. 24. The verdict of the jury shall be in either of the following forms, as near as may be: "We, the jury, find the defendant to be not guilty, as against him alleged," or, "We, the jury, find the defendant to be guilty, as against him alleged, and do assess that he pay a fine of —— dollars." The verdict in either case to be signed by one of the jurors acting as foreman.

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Sec. 25. If the jury find the defendant guilty, they shall assess the penalty, within the limits prescribed by ordinance, where the same is not specially fixed by ordinance at a given sum.

Sec. 26. In every suit for violation of city ordinance, before the recorder, where the defendant shall be convicted, the following costs shall accrue, and shall be collected from defendant, in like manner with the penalty imposed, to wit: A recorder's fee of seventy-five cents, a clerk's fee of fifty cents, a city attorney's fee of one dollar, a marshal's fee of seventy-five cents, and a fee of fifty cents for every witness claiming it; the city attorney's fee to be paid to the city attorney, half the clerk's fee to be paid to the clerk of the recorder's court, and the remainder of the fees to be paid into the city treasury.

Sec. 27. Whenever a defendant is proven guilty of a violation of ordinance, which violation is, in the judgment of the recorder, of a trivial nature, he may, at his discretion, dismiss defendant on payment of costs.

Sec. 28. Whenever a defendant shall be brought before the recorder's court by summons, and it shall be shown to the recorder that, since the filing of the complaint, the cause of complaint has been abated, the recorder may dismiss defendant on payment of costs.

Sec. 29. When a defendant is acquitted, the informant or prosecutor may be adjudged to pay the costs, if it appear to the recorder that the prosecution was intended vexatiously, or without probable cause; and in case an informant, prosecutor, or person, (other than a city officer,) at whose instance, or upon whose information, any suit may be instituted by the city, shall neglect and fail to appear and prosecute the same, after being duly summoned, said informant or prosecutor shall be adjudged by the recorder to pay the costs that may have accrued in the case so reported.

Sec. 30. Whenever any person (other than a city officer) shall have caused the arrest of another for a violation of ordinance, and the offence charged shall have affected solely or

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principally the person causing the arrest, the latter may withdraw the charge on payment of costs, when the case shall be called for trial before the recorder's court.

SEC. 31. Officers shall attend as witnesses against persons whom they shall have arrested, without being summoned, and if they fail to appear at the time of trial, they may be attached and punished for contempt, as witnesses summoned.

SEC. 32. All witnesses, (city officers and prosecutors excepted,) duly summoned in any suit before the recorder, and attending at the trial, shall be entitled to fifty cents for each day's attendance, but they shall not charge for attendance in more than one suit on the same day, and every witness shall be deemed duly summoned who is sworn and testifies in any cause.

SEC. 33. Whenever a witness claims his fees for attendance, the clerk of the recorder's court shall give him a certificate of the amount due him, stating names of defendant and witness, with the date of trial, and the city marshal shall, on the presentation of said certificate to him, pay the same from any moneys in his possession belonging to the City of St. Louis, provided the same has been collected; and shall, at the end of every month, file every such certificate with the auditor, who shall allow the same in settlement of the marshal's accounts.

SEC. 34. Whenever a suit is first called up for trial, if either party be not ready, owing to the absence of witnesses material to the case, a continuance shall be granted by the recorder for one day, on the application of the party deserving [desiring] it; if a continuance is wanted by either party for a longer time, the party making the application may be required to state under oath the materiality of such witness, and his name, residence and occupation, if known, whereupon a continuance may be granted for a period not exceeding ten days; if, upon the calling of the case at the time to which it shall have been continued, a second continuance is asked, the party applying therefor shall be required to make affidavit stating the materiality of the absent witness, what he

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expected to prove by him, and what means have been used to procure his attendance; if sufficient cause is shown, in the judgment of the recorder, he shall grant a further continuance, not exceeding thirty days: *Provided*, that if the defendant be in custody and unable to give bail, no continuance shall be granted in behalf of the city for a longer time than forty-eight hours, (except when Sunday shall intervene,) nor shall a second continuance be granted in her behalf unless the defendant be admitted to bail; but the recorder may admit him to bail on his own recognizance in like manner as if he gave security, in which case a further continuance, not exceeding thirty days, may be granted in behalf of the city.

SEC. 35. All applications for continuance shall be made either at the opening of the court in the morning of the day on which the case is set for trial, or when the suit is called up for trial, and at no other time, unless by permission of the recorder; and all motions for dismissal, on account of informality or illegality in the paper or proceedings, and all other motions in relation to matters which do not necessarily arise during the progress of a trial, and all pleas, except of "guilty," must be made and filed in writing, and argued when the case is called up for trial, and at no other time.

SEC. 36. Depositions taken in conformity to the laws of the State may be read in evidence before the recorder in any case where the witness is dead, or, by reason of sickness, old age or bodily infirmity, or absence from the city, is unable to, or can not safely attend at the trial, provided that such absence is without collusion of the party offering the deposition.

SEC. 37. All processes and notices which it may be necessary, in any suit before the recorder, to serve on the city, shall be served on the city attorney, or the person acting in his stead.

SEC. 38. In the absence of the city attorney, or person prosecuting in his stead, when any suit in which the city is plaintiff is about to be tried, the recorder may, if he deem it

necessary, appoint some one to prosecute on behalf of the city, who shall, during the time he is so acting, possess all the power vested in the city attorney.

SEC. 39. When an affidavit on the part of the city shall be required in any cause which has originated in the recorder's court, it shall be made by the city attorney, or, in case of his inability, by any person to whom the facts are known.

SEC. 40. An appeal shall be from the judgment of the recorder to the St. Louis criminal court, in all cases, upon the party appellant complying with the provisions of the statute of this State regulating appeals from justices of the peace.

SEC. 41. The city attorney, or person prosecuting in his stead, may, with the consent of the comptroller, take an appeal on behalf of the city from the judgment of the recorder; but the foregoing section shall not be so construed as to require of the city any bond or affidavit when she is the party appellant.

SEC. 42. There shall be kept by the clerk of the recorder's court an appeal docket, in which shall be duly recorded all the proceedings had in any suit in which an appeal shall have been granted to the criminal court; and upon appeal being perfected, he shall make out and certify to the said court a full transcript of the proceedings had in said suit, for which (unless the city be appellant) he shall be entitled to and receive from appellant a transcript fee of one dollar and a half.

SEC. 43. Upon the rendition of any judgment by the recorder imposing a fine or penalty, if the defendant do not immediately pay the same, with all the costs accruing thereon, the recorder shall forthwith cause execution to be issued against the defendant for the amount of such fine or penalty and costs, in the following form, as near as may be:

THE STATE OF MISSOURI,

To the Marshal of the City of St. Louis—Greeting:

WHEREAS, the City of St. Louis hath obtained judgment before the undersigned, recorder of the City of St. Louis, against ..... for a violation of an ordinance of that city, for the sum of ..... dollars, together with her

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costs in this behalf: These are, therefore, to command you to levy the said debt and costs of the goods and chattels of said defendant within the city of St. Louis, and expose the same to sale agreeably to law; and for want of sufficient property whereon to levy debt and costs, you are hereby commanded to take the body of the said defendant into your custody and convey said defendant to the city workhouse of the City of St. Louis; the keeper whereof is hereby commanded to receive said defendant, and said defendant safely keep, until the said debt and costs shall have been paid by said defendant's labor according to the laws of the State of Missouri and the ordinance of the City of St. Louis, or until said defendant shall be otherwise discharged by due course of law.

And you are also commanded to make return of this execution within thirty days from the date of the same, with your return endorsed thereon, stating how you have executed the same.

Given under my hand, at the recorder's court, in the City of St. Louis, ... day of ...., 18....

---------- *Clerk of Recorder's Court.*

SEC. 44. Upon receiving the execution above stated, the city marshal shall immediately take the defendant into custody, and if said defendant do not before sundown of the same day satisfy said execution, either by paying the same in money, or by discovering to the city marshal sufficient goods or chattels, the property of said defendant, whereon to levy said execution for debt and costs, the city marshal shall, without delay, convey said defendant to the city workhouse and deliver him into the custody of the superintendent thereof, taking his receipt therefor, to be endorsed upon said execution; and at the time of such delivery the city marshal shall deliver to the superintendent of the workhouse a true copy of the execution, certified by himself, which shall be the warrant of the superintendent for taking and keeping in his custody the body of the defendant until the execution shall be satisfied as required by ordinance.

SEC. 45. Any defendant who shall have been sent to the workhouse by authority of the preceding section, and wishing to appeal from the judgment of the recorder under the provision of section forty-one, shall, on application made to the recorder, be brought before the recorder's court, at the next setting thereof after such application, and to this end the recorder shall cause an order to be issued upon the superintendent of the city workhouse, to deliver said defendant to

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the city marshal, and the city marshal shall present the said order to said superintendent, who thereupon shall deliver the body of said defendant to the city marshal, who shall produce said defendant before the recorder's court at its first sitting thereafter.

SEC. 46. Any defendant wishing to appeal from the judgment of the recorder, and not being ready to enter into bonds, may deposit with the city marshal the amount of fine and cost imposed, which shall be received by the said marshal as collateral security for such fine and costs until an appeal is perfected, when it shall be returned to defendant; but if such appeal shall not be perfected within ten days, (unless when Sunday intervenes,) the said collateral shall not be returned to defendant, but shall be applied to satisfy the fine and costs imposed on him.

SEC. 47. The city attorney, when he is satisfied that a complaint or information of a violation of ordinance is made for vexation or without just cause, may, before commencing any proceeding, require the complainant or informant to deposit with the city marshal double the amount of costs that will in his judgment accrue in the suit; and the recorder may at any time after the filing of a statement by the city attorney, upon motion of defendant, require the deposit of costs aforesaid; but the provision of this section shall not apply to any report, complaint, or information made by any officer of the city in the discharge of his duty.

SEC. 48. The recorder shall have power to punish all persons guilty of a contempt of his court, by a fine of not more than one hundred dollars, or by imprisonment in the calaboose of the city, or the St. Louis county jail, for a term not to exceed twenty-four hours, or by both such fine and imprisonment; and he may commit such person until such fine be paid and the judgment of the court be satisfied, not exceeding ten days: *Provided, however*, that every warrant of commitment shall set forth specifically the facts constituting the contempt.

SEC. 49. The auditor shall audit and allow all accounts

for costs which shall have accrued in suits before the recorder, or suits appealed from the recorder's court to the criminal court, and for which the city shall have become liable by reason of judgment against her by the recorder or judge of the criminal court, as the case may be: *Provided*, that such accounts be duly certified as correct by the clerk of the recorder's court, or the clerk of the criminal court, as the case may be, and the auditor shall thereupon draw his warrant therefor upon the treasurer, payable out of the appropriation for expenses.

SEC. 50. The recorder and city marshal, in all matters pertaining to the duties of their respective offices concerning which there is no specific provision by ordinance, shall be governed by the law of the State of Missouri regulating proceedings in justices' courts, and the duties of justices of the peace and constables, so far as the same may be applicable.

SEC. 51. It shall be the duty of the clerk of the recorder's court to tax all costs in the recorder's court, (subject, however, to appeal to the recorder;) to make out all fee bills and executions; to make out and issue all processes of the court, and sign the same as clerk, except final papers in State cases; to make [to the] auditor each month a statement of all the fee bills and executions returned to him satisfied by the city marshal during the preceding month; to furnish to the city council, at each regular session, a full statement of the amounts of fines imposed, amount of fines remitted by mayor, amount of fines and costs collected, and fines and costs collected by execution to workhouse, and fines and costs outstanding, since the commencement of the previous session; to administer oaths; to certify to transcripts from the recorder's docket and other records of the court; and generally, when not otherwise prescribed by ordinance, the duties of said clerk shall be, as near as may be, the same as those required of the clerk of the St. Louis criminal court.

SEC. 52. The clerk of the recorder's court shall have the care and custody of all the books, records, and dockets of

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said court; shall file and preserve all papers which pertain to any suit or other proceeding had therein; and shall keep a book or books, to be provided for that purpose, in which he shall enter the names, in alphabetical order, of all persons tried before the recorder, the date of the trial, the number of the cause according to the entry on the execution blotter, the violation or offence charged, and the judgment rendered; said book shall be called the "Alphabetical Index." He shall also keep another book, to be called the "Execution Blotter," in which he shall enter the names of every person tried before the recorder, in the order in which their names appear on the docket, the date of the trial, the violation or offence alleged, and the judgment rendered; and these entries shall be numbered in their order for each month separately, commencing with number one for the first entry in each month; and all numbers on paper pertaining to the several cases, or on entries of the cases in other books, shall correspond with the number of the cases severally on the execution blotter. He shall also keep another book, to be called the "Execution Book," with a Dr. and Cr. side, in which he shall enter on the Dr. side every fee-bill or execution delivered to the city marshal, placing in separate columns the amount of the fine, the recorder's fees, clerk fees, city attorney's fees, marshal's fees, and witness fees; on the Cr. side he shall enter in like manner every fee-bill or execution returned to him by the city marshal, taking care to keep together fines and fees satisfied in distinct columns from fines and fees in workhouse, or other cases in which the same are not collected. He shall also keep a roll of attorneys for the recorder's court, and no attorney shall practice in said court unless his name appear on said roll of attorneys by authority of the recorder; and any attorney's name may be stricken therefrom by the order of the recorder for unworthy conduct or character, derogatory to the respect due to the recorder's court.

Sec. 53. The clerk of the recorder's court shall keep a separate docket of all State cases brought for trial before the

recorder, in which he shall enter the names of the parties arrested, and the offense charged against each; also the names of the officers or persons making the arrests; the name of the witnesses, and the disposition made thereof by the recorder.

SEC. 54. Ordinance three thousand four hundred and seventy-one, entitled "An ordinance concerning the recorder's court, and regulating the proceedings therein," approved December eighth, one thousand eight hundred and fifty-five, and all ordinances or parts of ordinances conflicting herewith are hereby repealed.

Approved, August 23, 1859.

(No. 4355.)

REGISTER.

AN ORDINANCE IN RELATION TO THE CITY REGISTER.

§ 1. Duties of the city register.
2. Register to prepare and authenticate commissions, and other official documents.
3. To prepare and issue blank licenses.
4. To furnish blank certificates to officers, and take duplicate receipts therefor.
5. Receipts, how disposed of.
§ 6. Register to procure stationery, fuel, &c., for certain offices.
7. To draw requisition on the auditor for expenses thereof.
8. To render his accounts.
9. To publish city ordinances.
10. To record titles of ordinances, &c.
11. To record official and other bonds.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. The city register shall have the custody of the city seal, the public records, the original rolls of ordinances and joint resolutions of the city council, and such other papers, records, and documents, as may be delivered into his custody; he shall affix the city seal to all public instruments or official acts of the mayor which by law or ordinance are required to be attested by the city seal, and countersign the same; and shall affix the seal to and certify any documents,

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copies or papers in his office, required for individual use, or by any officer of the city; and shall furnish to the city council, or city attorney, any record or document in his office, which either may call for, to be used in any court, taking a receipt therefor.

SEC. 2. The register shall prepare all commissions and other official documents which the mayor is required to issue, and shall countersign and affix the city seal to the same; and shall keep a register of all such commissions and documents, in which the substance thereof shall be noted.

SEC. 3. The register shall procure, sign and affix the city seal to blank licenses, for all purposes for which a license is required to be issued, except water license; and shall, from time to time, in cases where blank licenses are to be delivered to collectors, deliver any number of the same required by a collector, of which he shall keep a register, stating the number issued, the amount thereof, for what issued, and to whom delivered, and shall take duplicate receipts therefor from the officer to whom the same are delivered.

SEC. 4. The register shall, from time to time, furnish the weighers of hay and stone coal, the harbor master, and the lumber master, [measurers,] with blank certificates to be issued by them, which shall be signed and numbered by him, and registered by numbers in a book to be kept for that purpose, and for which he shall take duplicate receipts.

SEC. 5. One of the duplicate receipts required in the two preceding sections, shall immediately be delivered by the register to the auditor, to be charged to the officer giving the same.

SEC. 6. The register shall procure stationery, books, fuel, furniture and other articles necessary for his own office, for the mayor's office, for the city council, and for the offices of all other city officers whose offices are kept in the city hall; and shall furnish all city officers with such books as are required by ordinance to be kept by them, and keep an accurate account of the same, and to whom delivered; and shall pay the postage, or other necessary expenses, upon any offi-

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cial document received or sent by him, by the mayor, or by any other city officer.

SEC. 7. For expenses incurred under the next preceding section, the register shall draw his requisition upon the auditor, who shall draw his warrant on the treasurer for the amount, payable out of the appropriation for contingent expenses.

SEC. 8. The register shall, on the first day of January, April, July, and October, render his accounts, with the proper vouchers, to the auditor, who shall settle and adjust the same.

SEC. 9. The register shall cause the ordinances of the city to be published as required by the charter, and shall superintend the printing thereof, and examine the proof-sheets, and compare them with the original rolls.

SEC. 10. The register shall keep in a book provided for that purpose, a record of the titles of all ordinances and joint resolutions passed by the city council, of the time when the same were passed, and when and where the same were published.

SEC. 11. The register shall record the official bonds of all city officers, and all other bonds executed to the city and placed in his office, in a book to be kept for that purpose.

Approved, March 10, 1859.

(No. 4879.)

REVENUE.

AN ORDINANCE IN RELATION TO, AND FOR THE COLLECTION OF, TAXES AND OTHER REVENUE OF THE CITY.

ARTICLE I.

Taxes.

§ 1. Rate of annual taxes to be levied.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. For the support of the city government, payment of the city debt, and interest thereon, and improvement

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of the city, a tax of one per centum, unless otherwise fixed by ordinance, upon all property not exempt by law or ordinance from taxation within the limits of this city, made taxable by the laws of this State, and a poll tax of fifty cents upon all free white male persons over twenty-one years of age, and all free colored persons over the said age, who shall have resided six months within the city, shall be annually levied.

ARTICLE II.

Collectors and Collection of Taxes.

§ 1. Collectors to be appointed.
2. Their bond.
3. Their duties.
4. Comptroller to give public notice that taxes are payable.
5. Comptroller to make separate tax bills, when.
6. Collectors to make demand for taxes; if not paid, their duty.
7. Statement of uncollected taxes to be made to auditor.
8. Credit to be given to collectors for unpaid taxes.
9. Auditor to deliver accounts to comptroller.
10. Notice of tax sales to be given.
11. Notice, what to contain; how published and posted.
12. Duty of comptroller in relation to tax sales.
13. Certificate to the city to be made out, when.
14. Certificate to be filed with register.
15. Register to certify amount of certain taxes to auditor.
16. On second sale, former taxes to be paid.
17. Redemption of property bought by parties other than the city, how effected.
§ 18. Treasurer to give duplicate receipts for redemption money.
19. Quit-claim deeds to be given for property bought in by city, when.
20. Saving in favor of infants, &c.
21. Money paid in redemption, due individuals, how paid to them.
22. Deed to be made, when and how.
23. Fee for deed.
24. Deed to city, what to embrace.
25. Deed may be made to assignee of purchaser.
26. Comptroller not to be concerned in purchase of property sold for taxes.
27. Compensation of collectors.
28. On tax bills paid while delinquent list is in hands of comptroller—what to be added.
29. Comptroller to pay into treasury money received by him.
30. Comptroller may bring suit on tax bills, when.
31. Suit against delinquent, where and how brought.
32. Dram shop licenses, fee for collection; what proceedings to be had against delinquents.

SECTION 1. At the second stated session of the board of common council, in each year, there shall be appointed, by and with the advice and consent of the said board, a collec-

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tor of the city revenue for each ward of the city, who shall be a resident of the ward from which he is appointed, and possess the other qualifications requisite to city officers, and who shall enter upon his duties on the first day of January, next succeeding his appointment.

SEC. 2. The official bond of the collectors shall be as follows: Fifth and sixth wards, fifty thousand dollars each; all others in the sum of twenty-five thousand dollars, with at least four sufficient securities, to be approved by the mayor.

SEC. 3. It shall be the duty of each collector, within the ward for which he is appointed:

First. To collect all accounts for taxes placed in his hands for collection.

Second. To receive from the city register, and issue and deliver all licenses which are required to be taken out for the prosecution of any business, or for any exhibition or other thing, when the duty of issuing such license is not imposed upon another officer, and to collect the tax upon such license, and to register all such licenses in a suitable book, with the name, business and residence of the licentiate, and the amount collected thereon, and to make return copy of such register to the city register on every Saturday.

Third. To keep in suitable books, to be furnished by the city comptroller, upon his entering on the duties of the office, separate and correct accounts of all bills for taxes, of whatsoever kind, under their appropriate heads, as received from any authorized city officer, specifying the amount of each bill separately, and the name or names of the person or persons from whom such amount is due; and when any such bill shall be collected, the amount and the name of the party paying the same shall be immediately entered opposite the original entry of such bill. At the time of making annual settlement these books shall be delivered to the city comptroller, therein directly setting forth the entire amount of bills received during the year, the amount collected therefrom, deposits made in the city treasury, and the amount of bills returned to the auditor as delinquent and uncollected.

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Fourth. To pay to the treasurer, on Saturday of each week, all money or auditor's warrants collected by him, taking receipt therefor, one of which shall be filed with the auditor immediately.

Fifth. To require all persons doing any business for which they are required to take out a license, to do so.

Sixth. To report to the city attorney and recorder all persons engaged in any business illegally, without license; and,

Seventh. To report to the comptroller, under oath, on the last Saturday of each and every month, the whole amount of money and warrants collected, and payments made into the treasury, during the month preceding.

SEC. 4. Upon the delivery of the accounts for taxes to the collectors by the auditor, the comptroller shall give notice of the fact in the papers employed by the city, and in one or more German papers, for twenty days, embracing in said notice the name of the collector of each ward and the location of his office.

SEC. 5. Whenever any real estate included in one tax bill is proved, to the satisfaction of the comptroller, to consist of two or more lots or pieces of ground, owned by two or more different persons or parties, he shall cause to be made out, on application, separate bills for the property of such persons, dividing the amount of the original tax bill in the same proportion as the property is owned by the said persons, and to receive from each of them respectively the amount of such separate bills.

SEC. 6. The collectors of the several wards shall, within three weeks after the first appearance of said notice, call upon each and every person from whom taxes are due, or their authorized agents, and demand payment of same; and in case such payment be not made before the time for returning such bills to the auditor, they shall make a statement upon every bill unpaid at that time, verified by an oath, setting forth the facts, in each particular case, why said bills could not be collected, whether payment was refused by the

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persons from whom due or their authorized agents, or if such persons are non-residents, and could not be found.

SEC. 7. Each collector may from time to time report to the city auditor a list of all taxes other than those upon real estate, which from any cause cannot be collected. Such list shall be accompanied by a statement of the collector, verified by an affidavit, why such taxes are uncollectable, to the best of his knowledge and belief; that he has made diligent effort, and has not been able to collect said taxes; that he does not know of any way in which the same can be made, and believes they cannot be made if kept in his hands. The city auditor in connection with the city comptroller shall examine such lists, and if, in their opinion, proper efforts have been made for the collection of the taxes specified in such lists, they shall indorse thereon their joint certificate to that effect, and the auditor shall credit the collector making such report with the amount of the taxes specified and collected in any such list.

SEC. 8. On the first Monday of November, in each year, the collectors shall make out a complete list, in the numerical order of city blocks, of all tax bills for real estate then in their possession unpaid, and return such lists, and all tax bills named therein to the auditor, who shall allow each credit in his books for the aggregate amount returned by him.

SEC. 9. Upon such return being made, the auditor shall, so soon as he has examined said lists and bills, transfer them to the comptroller, taking his receipt therefor, and charging him therewith.

SEC. 10. The comptroller shall thereupon give notice in the newspapers employed by the city, till day of sale, that the account of delinquents for general and special taxes on real estate within the city have been placed in his hands, and that unless said taxes and all costs, with six per cent. on the amount of taxes added, be paid on or before the third Monday in December following, he will, on that day, between the hours of 9 A. M. and 4 P. M., sell at public vendue at the

court-house in this city, to the highest bidder, for cash, the real estate upon which such taxes are levied and assessed, and that such sale will be continued from day to day until completed, which notice shall be published, first, at least twenty days before the day of sale named in such notice, and every third day thereafter until said day of sale.

SEC. 11. In said notice the property in each ward shall be ranged under a separate head, in the numerical order of city blocks; the name of the owner shall be given, when known, with the description of the property, as appears upon the bills. The publishers shall each furnish to the comptroller one thousand extra copies of the papers containing said delinquent tax list, for which extra copies the printers shall be paid five cents for each copy. Extra copies of the delinquent tax list may be had by applying to the comptroller for the same.

SEC. 12. On the day and at the place specified in said notice, the comptroller shall proceed to sell, according to the terms of the notice, said real estate, or so much thereof as will pay the taxes and costs severally assessed thereon, and six per cent. on the amount of taxes, and shall deliver to the purchaser a certificate, reciting that, whereas the taxes assessed on said property remain unpaid, as appears by the return of the collector of the —— ward, and said real estate having been duly advertised for sale in conformity to the ordinances of the city, therefore said real estate was sold at public auction, to the purchaser, (naming him,) for the amount of said taxes and costs, and six per cent. on the amount of taxes, pursuant to notice, (giving the date of the notice, and in what papers published, and acknowledging the receipt of the amount bid by the purchaser.)

SEC. 13. If no one bid and pay the comptroller the amount required to be paid as aforesaid on any real estate, he shall bid in such real estate for the city, and within thirty days after the close of said sale make a certificate of purchase to the city, embracing all the property thus bid in, and also including, for record and reference, as well the property bought in by the city, as all property sold to individuals,

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with the name of the purchaser affixed to such lot or parcel of ground bought by them; said certificate to the city shall have the same effect as those made to individual purchasers.

SEC. 14. Said certificate shall, when completed, be deposited with the city register, who shall make a correct copy thereof, in proper books, to be kept open for the inspection of all persons interested.

SEC. 15. The register, from such report or statement, shall certify to the auditor the gross amount of taxes assessed on any lands, lots, or parts of lots; and any such lands, lots, or parts of lots, may be sold to the comptroller at any tax sale as aforesaid, and the auditor shall allow the comptroller credit for such amount, and also for all money paid by him into the treasury on account of said delinquent tax list.

SEC. 16. Whenever an individual shall have received a certificate of purchase for property sold at a tax sale for any year upon which taxes are due for any previous year, he shall not be entitled to a deed therefor until he shall have paid all such previous delinquent taxes, and accrued costs and interests due upon such property, and also all taxes, costs and interest that may have accrued upon said property subsequent to the date of the sale at which he purchased.

SEC. 17. Real estate sold for taxes and bought by any party other than the city or the owner thereof, may be redeemed by any person interested therein at any time within two years after the day of sale thereof, by such party paying to the purchaser, or his legal representatives, the amount named in the certificate of purchase, and interest thereon at the rate of twenty per centum per annum, and all subsequent taxes the purchaser may have paid, adding thereto the above interest—upon the receipt of which the purchaser shall indorse upon the said certificate "redeemed," stating when and by whom; which certificate with said indorsement shall be returned to the city register, who shall file it in his office, first entering opposite the record of the sale of the property in question, the date of such redemption, and the name of the party redeeming: Provided, however, that such entry

shall not be made so long as there are delinquent taxes standing on the books against such property.

SEC. 18. Real estate sold for taxes and bought in by the city may be redeemed by any person applying to the city register for such purpose, and paying to him all taxes, costs, and interest, which shall have accrued upon the property applied for; upon receiving which the register shall make and deliver to such person a certificate of redemption, under the seal of the city, reciting, substantially, the amount of taxes, costs and interest, paid in redemption of such property, the year for which said taxes were assessed, whether for a general or special tax, the date of sale thereof, with a full description of the property, and the name of the party redeeming. Such certificate of redemption shall have the same effect, and be subject to redemption in the same manner by the owners as a comptroller's certificate of purchase. The register upon granting such certificate of redemption shall enter opposite the record of the sale of the property the date of redemption and the name of the party redeeming.

SEC. 19. All persons whose property shall have been sold for taxes and bought in by the city, and not redeemable as aforesaid, shall be entitled to receive a quit-claim deed for the same upon applying to the comptroller, paying all back taxes, interest at the rate of twenty per cent. per annum, and costs, which may be due on the same, and also the costs and expenses of deed: Provided, that such quit-claim deed shall not be issued by the comptroller to any person within two years next after the day of sale of same, except to the bona fide owner of the property.

SEC. 20. Infants, married women, persons of unsound mind, and persons residing out of the United States, shall have two years after the removal of their respective disabilities to redeem their property sold as aforesaid.

SEC. 21. Quit-claim deeds shall be issued and delivered to any person for any property deeded to the city as aforesaid, upon application being made to the comptroller by such person therefor, the party making such application first paying to

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the comptroller the cost and expenses of such deed, and all taxes, costs and interest aforesaid, the amount to be certified to by the city register as being all that is delinquent upon the property in question at that date.

SEC. 22. If any property sold as aforesaid be not redeemed within the time and the manner as aforesaid, the comptroller shall make out and deliver a deed therefor, conveying the same to the individual purchaser or to the city, as the case may require, which deed shall recite substantially the amount of the tax, the year for which it was assessed if a general tax, or according to the particular facts if a special tax, the day and year of sale, the amount for which the real estate was bid off, a full description thereof, and the name of the purchaser. The deed for the city shall be recorded forthwith.

SEC. 23. For a deed to an individual purchaser the comptroller shall charge and receive two dollars for the use of the city.

SEC. 24. The deed to the city shall embrace all the real estate bid off to the city at any one sale, and not redeemed, and the same shall be recorded in the recorder's office of the county of St. Louis.

SEC. 25. Deeds for property purchased by individuals may be made to the holders, by written transfer of the certificate of purchase.

SEC. 26. The comptroller shall not, directly or indirectly, be concerned in the purchase of any property sold for taxes, under a penalty of five hundred dollars; neither shall any other city officer, under the same penalty; and any such purchase made shall be null and void.

SEC. 27. Each collector shall receive for his services the following compensation: On each sum collected by him from any one person, co-partnership or association, if all the taxes assessed to and to be collected from such person, co-partnership or association, at any one time, do not exceed the sum of one dollar, twenty-five per cent.; if the amount of taxes aforesaid exceed one dollar and less than two dollars, ten per cent; if it exceed two dollars and be less

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than five dollars, five per cent.; if it exceed five dollars and be less than ten dollars, three per cent.; if it exceed ten dollars and be less than twenty dollars, two per cent., and if it exceed twenty dollars, one and a quarter per cent.: Provided, however, that when said collectors shall have collected sufficient taxes to entitle them, respectively, to fifteen hundred dollars commission under the provisions of this section, that then for all further collection of taxes they shall be entitled to a fee of one-half of one per cent., but not more: Provided, however, that the several collectors of the first, third, seventh, eighth, ninth, and tenth wards shall receive for the collecting of twenty dollars and upwards, two per cent.; and the collector of the second ward, three per cent.; this provision to be construed to apply to the fiscal year eighteen hundred and fifty-nine.

Sec. 28. Upon all tax bills paid while the delinquent tax list is in the hands of comptroller, there shall be added to and collected six per cent. as aforesaid, and one per cent. to cover attending costs; and when the list shall have been prepared for advertising for sale, an additional dollar shall be added thereto and collected. All property sold to the city or to individuals shall be sold for the last named amount.

Sec. 29. From the one per cent. collected as above, the comptroller may pay the necessary expenses attending the preparation of the delinquent tax list, for advertisement for sale, and for the proper recording of sales made, as provided above; the balance, together with all other moneys collected under the provisions of this ordinance, shall be paid into the city treasury as revenue.

Sec. 30. The city comptroller is hereby authorized and empowered, whenever he shall deem it advisable, to cause suit to be brought upon all or any tax bills returned to him by any collector of the revenue on or after the first Monday of November of each year, as delinquent or unpaid.

Sec. 31. Said proceedings shall be an action of debt in the name of the City of St. Louis against the delinquent tax payer, or person or persons from whom such tax may be

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due, and may be brought in any court of competent jurisdiction.

Sec. 32. For the collection of all dram shop and beer house licenses, which shall not be paid within ten days after the time required by law, the city collector shall be allowed a fee of one dollar, to be charged on and collected with the license; and in case any such license shall not be paid within the time above specified, and after demand by the collector, then and in that case it shall be the duty of the collector to report the delinquent to the city recorder, and, in case of conviction, the collector's fee of one dollar, together with usual witness fees for his attendance at the trial, shall be taxed against the defendant, and shall be collected as other costs, and, when collected, shall be paid to the collector: Provided, that such fee allowed to the collectors shall not be considered due until ten days after the license shall have become due, or demand has been made therefor by the collectors.

ARTICLE III.

Sundry Licenses.

§ 1. Certain occupations forbidden, unless licensed.
2. Peddler and money broker defined.
3. Merchandise broker defined.
4. Real estate broker defined.
5. Pawnbroker defined.
6. Keeper of billiard table defined.
7. Keeper of nine or ten-pin alley defined.
8. Keeper of shuffle-board, or bagatelle table, defined.
9. Keeper of an ordinary defined.
§ 10. Rates to be levied on licenses.
11. Duration of licenses.
12. Licenses subject to existing or future ordinances.
13. Form of license.
14. Licenses not transferable; exception.
15. Penalty for breach of this ordinance.
16. Tax to be levied on foreign insurance agencies.
17. Property exempt from taxation.

Section 1. It shall not be lawful for any person to exercise within the city the business of a peddler, hawker, merchandise, real estate, money or pawnbroker; or keep a billiard table, nine or ten-pin alley, shuffle-board, bagatelle table, or ordinary; or to own, conduct, or manage for gain, a

theatre, or other exhibition, show or amusement, without a license therefor.

SEC. 2. Whoever is declared by the laws of the State of Missouri to be a peddler or money broker, shall be so considered under this ordinance.

SEC. 3. A merchandise broker is one who for commission or other compensation is engaged in the selling, or who negotiates sales of goods, wares or merchandise belonging to others.

SEC. 4. A real estate broker is one who for commission or other compensation is engaged in the selling, or who negotiates sales of real estate belonging to others.

SEC. 5. Any person who loans money on deposit, or personal property, or who deals in the purchasing or personal property, on condition of selling the same back again at a stipulated price, is declared to be a pawnbroker.

SEC. 6. A keeper of a billiard table is one who possesses or keeps, or has the control or management of a billiard table whereon others are permitted to play, and for the use of which, or privilege of playing thereon, or for the hire thereof, any money or its equivalent, or any check or counter in lieu of money shall be paid or received therefor; and all billiard tables within the city shall be held and taken to be so kept, and to come within the meaning and province of this ordinance, except such as may be kept within dwelling houses, for the owners' recreation, and not for the purpose of letting the same to others to play thereon, for money or any thing representing or in lieu of money, or for wagers or bets; and there shall be levied and collected on every license to keep a billiard table, kept for hire as aforesaid, the sum of ten dollars for each table, and each table shall be numbered, and the license for each table taken and paid for one year in advance. Whoever shall violate or neglect or refuse to conform to, and observe the provisions of this section, shall be liable and subject to pay a fine of not less than fifty dollars, nor more than three hundred dollars, (for each and every table that such person neglects or refuses to take out a

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license for,) to be sued for and recovered as in other cases of breaches of city ordinances.

SEC. 7. A keeper of a nine or ten-pin alley is one who owns, possesses, or keeps such alley (without regard to the number of pins used) on which persons are permitted to play; but this shall not include such alleys as are constructed by associations of individuals and kept by them exclusively for their own private recreation; and for license to keep a nine or ten-pin alley, there shall be levied and collected semi-annually the sum of ten dollars in advance, on each alley.

SEC. 8. A keeper of a shuffle-board or bagatelle table is one who owns, possesses or keeps such a board or table at which persons are permitted to play.

SEC. 9. A keeper of an ordinary is one who sells or offers for sale in any house, cellar, booth, shed or stand, any article of meat, fruit, or other food, to be used or eaten or consumed in or at the place of sale.

SEC. 10. There shall be levied and collected on every license granted for any business or object hereinafter specified, as follows:

First. Upon a peddler's license, fifteen dollars.

Second. Upon a merchandise or real estate broker's license, fifty dollars; upon a pawnbroker's license, one hundred dollars.

Third. Upon a money broker's license, one hundred and twenty-five dollars.

Fourth. Upon a license to keep a shuffle-board or bagatelle table, fifteen dollars.

Fifth. Upon a license to keep an ordinary, fifteen dollars.

Sixth. Upon a license for an exhibition of a circus or equestrian exhibition, musical party or concert, exhibition of rope or wire dancing, puppets, wax figures, painting, statuary, tricks of legerdemain, pugilism, menagerie, or any other exhibition, show or amusement within the meaning of this ordinance, twenty-five dollars: *Provided*, that for musical concerts or parties, and the exhibition of painting or

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statuary, given or made by the citizens of this city, the thespian performances for benevolent or charitable purposes, no license shall be required: *And provided also*, that for any exhibition coming within the purview of this section, which shall be continued for a season of more than one month, and not exceeding six months, the sum of seventy-five dollars shall be charged; and all theatrical exhibitions not hereinbefore excepted, shall be licensed at the rate of one hundred dollars per annum; but no license shall be granted for any theatrical exhibition for a shorter period than one month.

SEC. 11. Licenses granted under this article shall continue in force as follows:

First. For a theatrical or other exhibition, show or amusement hereinbefore specified, one month.

Second. For a peddler, three months.

Third. For all other objects or purposes, six months.

SEC. 12. All licenses issued in pursuance of the foregoing provisions shall be subject to the ordinances of the city existing when they are issued, or subsequently passed.

SEC. 13. All licenses shall be issued in blank by the register, under the seal of the city, and signed by the mayor, and shall be as near as may be in the following form:

CITY OF ST. LOUIS, ...

I, ..., Mayor of the City of St. Louis,

To all who shall see these Presents, Greeting:

Know ye that whereas, ..., on the ..... day of ....., in the year of our Lord ... ., paid to ...., the sum of ..... dollars, being the tax imposed on .... as ....., and otherwise complied with the requisitions of the city ordinances, in this behalf; therefore, the said .... is hereby authorized and empowered to .... for the term of .... months from ....

In testimony whereof, I have hereunto set my hand, and caused the seal of the city to be affixed, at the city hall, in said city, this .... day of ...., A. D. ....

[L. S.] ...., *Mayor.*

Attest: ...., *Register.*

And when any license shall be issued, the officer issuing same shall, underneath said license, add the following, which he shall sign:

Granted this .... day of ...., A. D. ....

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SEC. 14. No license granted by this city, except water, cart, wagon, or dray licenses, shall be assignable or transferable; nor shall any such license authorize any person to do business, or act under it, but the person named therein, or at more than one place; and no assignment or transfer of any license shall be valid, or give any right or permission to the assignee or transferee to act thereunder, unless such assignment or transfer shall be approved and countersigned by the city register, or, if a water license, by the register of water-rates; and it shall be the duty of those officers to keep a registry of all assignments or transfers of licenses approved and countersigned by them respectively.

SEC. 15. Whoever shall violate, or neglect or refuse to conform to, or observe the preceding provisions of this ordinance, and any or either of them, shall be liable and subject to pay a fine of not less than ten dollars, nor exceeding three hundred dollars, to be sued for and recovered as in other breach of city ordinances.

SEC. 16. The collectors of the several wards shall collect of all foreign insurance companies doing business in the city by agency, the tax authorized by an act of the general assembly of this State, approved February 27, 1857, entitled an act amendatory of an act entitled "An act to license and regulate agencies of foreign insurance companies," approved December 8, 1855, one hundred dollars, annually in advance; and any agent failing or refusing to pay said tax when called upon by the collector for the same, shall forfeit and pay to the city as a fine therefor, the sum of two hundred dollars, to be recovered as other fines are by the city.

SEC. 17. Arms and accoutrements kept for military duty, necessary wearing apparel, cooking utensils, beds, bedding, and the necessary provisions for a family, shall not be subject to taxation.

Approved, July 9, 1861.

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(No. 4219.)

NORTH LEVEE SCALES.

AN ORDINANCE TO ERECT PUBLIC SCALES ON THE LEVEE, BETWEEN CARR AND BIDDLE STREETS.

§ 1. Engineer instructed to erect public scales on the north levee.
§ 2. Cost of, how charged.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. That the city engineer be instructed to erect forthwith, on the levee, between Carr and Biddle streets, public scales of sufficient capacity to weigh, coal, hay, &c.; also, the necessary office building for the same.

SEC. 2. The cost thereof not to exceed seven hundred dollars, to be charged to the contingent fund.

Approved, July 31, 1858.

(No. 4155.)

SOUTH LEVEE SCALES.

AN ORDINANCE PROVIDING FOR THE ERECTION OF HAY AND COAL SCALES ON THE SOUTH LEVEE, NEAR THE FERRY LANDING.

§ 1. Engineer instructed to erect scales on south levee; appropriation for.
§ 2. Time when scales are to be erected.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. That the city engineer be and is hereby authorized and required to cause to be erected suitable scales for weighing hay and coal, on the southern part of the levee, near the present ferry landing, together with office for the weigher; and that the sum of seven hundred and twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund for that purpose.

SEC. 2. The city engineer is further authorized and required to erect said public scales within two months from the approval of this ordinance.

Approved, March 26, 1858.

(No. 4868.)

CITY MARKET SCALES.

AN ORDINANCE ESTABLISHING THE CITY MARKET WEIGHING SCALES, AND THE RATES OF WEIGHING.

§ 1. City market scales established; fee for weighing.
2. Register to furnish weighers at all scales with printed tickets. Salaries of weighers; market master of City market to be weigher.
§ 3. Fee for weighing regulated; penalty for charging illegal fees.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The public scales at the point north of the City market, between Broadway and Fifth street, are hereby re-established under the name of the City market scales, subject to all the provisions of charter and ordinance made and provided in relation to public weighing scales, except that the fee for all kinds of weighing done thereat shall be at the uniform rate of fifteen cents per load.

SEC. 2. The city register shall furnish the weigher at said scales, and also at all other scales belonging to the city, with printed tickets monthly, and charge the same as cash to each weigher, to be accounted for at his monthly settlement. The salary of all weighers in the city service shall be four hundred dollars per annum, payable monthly, except the weigher at the north levee scales, and except the weigher at the scales hereby created, which latter weigher shall be the market master of the City market, without any additional compensation therefor but what he receives as market master.

SEC. 3. No public scales belonging to private persons or companies shall charge a greater fee for weighing than that

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allowed in the first section hereof, nor shall they charge a less fee than the city scales charge, nor deliver tickets without payment therefor at the time of delivery, upon penalty of the loss of the privilege conferred by ordinance and the abolishing of the defaulting scales.

Approved, June 21, 1861.

(No. 4535.)

SEWERS.

AN ORDINANCE TO ESTABLISH AND REGULATE THE SEWER DEPARTMENT.

§ 1. Sewer department established; how to be governed.
2. Sewer committee, how constituted; when chosen; vacancies how filled; when to meet.
3. Duties of sewer committee.
4. Duty of engineer under instructions of committee.
5. Engineer to be chief executive officer of committee; shall keep book, plans, maps, &c., relating to sewers.
6. Engineer to appoint superintendent and assistants, when; salaries to be paid from sewer fund.
7. Contracts greater than $100,000 not to be let.
8. Public sewers, where to be established; fund to be fairly distributed in different parts of city; committee to let portions of sewers and report contracts to council; duties of engineer and chairman of committee.
§ 9. Connections with public sewers, how made; penalty for making connection without permit.
10. City to be divided into districts.
11. Committee to report ordinance for constructing sewers, when.
12. Duty of engineers in relation to district sewers.
13. Cost of sewers, how charged and collected.
14. District sewers, repairs and cleaning of, how paid.
15. District sewers, connection with, how made; applicant to give bond; permits not given to certain persons; penalty for making defective sewer; engineer to keep record of permits.
16. Repealing section.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A department of the city government is hereby established, to be styled the sewer department, which shall embrace all matters pertaining to the drainage of the city, and which shall be presided over by a committee of the com-

mon council, to be styled the sewer committee, in conjunction with the city engineer.

SEC. 2. The sewer committee shall consist of five members of the common council, one from the first and second wards, one from the third and fourth wards, one from the fifth and sixth wards, one from the seventh and eighth wards, and one from the ninth and tenth wards; and the delegation of every two wards shall elect the member of the committee, who shall hold their office during the term for which they were elected to the council. The sewer committee shall be chosen immediately after the passage and approval of this ordinance, and shall take the place of the present existing sewer committee, which is hereby abolished. The annual vacancies occurring shall be filled at the first meeting of the council in each fiscal year. The sewer committee shall meet once in two weeks, or oftener if the business of the department should require it. The place of meeting shall be at the city engineer's office, or in a room adjacent thereto.

SEC. 3. It shall be the duty of the sewer committee:

First. To take cognizance of all matters pertaining to the drainage of the city.

Second. To exercise a strict control over the expenditure of the public sewer fund.

Third. To prepare and report to the council a general system of public sewers.

Fourth. To see that the system adopted is strictly carried out in accordance with the laws and ordinances of the city.

Fifth. To grant permits to make connections with public and district sewers under certain restrictions hereinafter mentioned.

Sixth. To report to the council upon all petitions and ordinances in relation to public and district sewers.

Seventh. To supervise the preparation of plans, specifications and contracts for the same, and report them to the council.

Eighth. To see that the expenditures for public sewers,

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in each fiscal year, do not exceed the revenue of that year accruing to the public sewer fund.

Ninth. To report to the council, at the last meeting in each fiscal year, the probable amount required to carry on the public sewer improvements of the next year, including the repairs and all other expenses chargeable to the public sewer fund.

Tenth. To report to the council, whenever called upon, all information in its possession relative to all matters under its charge, and generally to do all lawful acts necessary to render this department efficient in its working, and to accomplish the objects for which it was established.

SEC. 4. It shall be the duty of the city engineer, under the instructions of the sewer committee:

First. To attend all the meetings of the sewer committee, and to cause a journal of its proceedings to be kept, and to publish an abstract of the same in the newspapers doing other city printing.

Second. To prepare all plans, specifications and contracts, for sewers ordered to be constructed, and to advertise and let out the same in accordance with the mode prescribed for other city work.

Third. To superintend the construction of all public and district sewers, and to see that the prescriptions in relation to private sewers are strictly obeyed.

Fourth. To take charge of all business relating to this department which may originate during the vacation of the committee, and to present the same for its action at the next meeting.

Fifth. To prepare a hydrographic map of the city, showing the public sewers already constructed and those which are still required, and the territory drained and to be drained by each, colored so as to show its extent distinctly, together with the alignment, dimensions, depth and fall of each sewer, so far as the same can be ascertained.

Sixth. To make estimates of the cost of sewers, and to furnish the committee with all the required information re-

lating thereto, and to do and perform generally all other lawful acts necessary to secure an efficient working of this department of the city government.

SEC. 5. The city engineer shall be the chief executive officer of the sewer committee. He shall keep a separate book account of all expenditures for each sewer, whether public or district, or in construction, and a similar account of reconstruction, repairs, cleaning, superintendence, and all other incidental expenses. Detailed plans shall be kept in book form of all sewers constructed, showing the alignment, the depth below the grade of the street, the dimensions and form, together with a full statement of the final measurement of the work done or in construction, specifying each item, its contract price and cost; and in case of district sewers, there shall be an accompanying map of the district, showing the net area of the district, the dimensions and area of each lot, with the owner's name written thereon, and the amount assessed against each lot; also, the kind, dimensions, amount, and position, of all the work done in constructing the sewer.

SEC. 6. The city engineer, with the consent of the sewer committee, shall appoint such superintendents and other assistants, not to exceed three in number, as they shall from time to time deem necessary for the efficient working of this department. The salaries of said superintendents and other assistants shall be paid out of the public sewer fund, except in cases hereinafter provided for, and they shall be dismissed at any time when the engineer and sewer committee shall deem it expedient to do so.

SEC. 7. The sewer committee shall not authorize the engineer to let out sewer contracts in amounts greater than one hundred thousand dollars.

SEC. 8. Public sewers shall only be established along the principal courses of drainage throughout the whole city, and shall be constructed in accordance with the general sewer system hereinafter provided for, and at such times as public necessity may require them; and the public sewer fund shall

be expended in the different portions of the city so as to give each portion a fair distribution of the benefits arising therefrom. After a public sewer shall have been established by ordinance, the sewer committee shall let out such portions as may be deemed necessary, and the committee shall report contracts for the same, which shall be approved by the council before going into effect; and the same course shall be pursued in regard to the reconstruction of all public sewers. The engineer shall certify to the amount of work done under contracts, to the sewer committee, and the chairman thereof, when directed so to do by the sewer committee, shall draw his requisition on the auditor for the amount due, chargeable to the public sewer fund. The public sewers shall be kept in complete repair by the engineer, under the instructions of the sewer committee, and the cost of such repairs shall be certified to by the engineer to the sewer committee, and the chairman thereof, when directed so to do by the sewer committee, shall draw his requisition on the auditor for the amount, and shall make it chargeable to the the public sewer fund.

SEC. 9. Whenever a party desires to make a connection with a public sewer, application shall be made therefor to the sewer committee, who may grant or refuse the same, as occasion may require; and the party to whom permission is granted, shall give bond, to be approved by the sewer committee, in the sum of five hundred dollars, conditioned that he will hold the city harmless against any damages that may ensue from making such connection. Any person making a connection with a public sewer without the permit above mentioned, or in violation of the instructions of the engineer, shall forfeit and pay to the city one hundred dollars upon conviction of the fact before the recorder; and all such fines shall be credited to the public sewer fund.

SEC. 10. It shall be the duty of the sewer committee to subdivide the city into sewer districts of convenient size, designating them by the name of the sewer into which they will drain, and numbering them continuously from one up-

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wards, and report the same from time to time to the council, accompanied with drafts of ordinances establishing them by metes and bounds.

SEC. 11. Whenever a majority of the property owners resident within a sewer district, or within a convenient portion of a sewer district, shall petition for the building of a sewer therein, or whenever the sewer committee shall deem a sewer necessary for sanitary or other purposes, it shall be the duty of the sewer committee to report the fact to the council, with an accompanying draft of an ordinance authorizing the construction of a district sewer within said district, or portion of said district, as the case may be.

SEC. 12. Whenever the construction of a district sewer shall have been authorized, it shall be the duty of the engineer, under the instructions of the sewer committee, to let out the work of construction in the same manner as other city work is let out, and to prepare a plan, specification and contract for the same, which shall be reported by the sewer committee to the council for approval. After the contract has been approved, it shall be the duty of the engineer to cause the sewer to be constructed in accordance with the terms of the contract.

SEC. 13. So soon as a district sewer shall have been fully completed, the city engineer, or other officer having charge of the work, shall compute the whole cost thereof, and shall assess it as a special tax against the lots of ground exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways, and said officer shall make out a certified bill of such assessment against each lot of ground within the district, in the name of the owner thereof, subject to the approval of the committee; said certificate shall be delivered to the contractor for the work, who shall proceed to collect the same by ordinary process of law, in the name of the city, to his own use, and in cases of absent owners he may sue by attachment, or by any other process known to the law; and each certificate shall be a lien against the lot of ground described therein, and shall bear interest

ARTS. 1st. If the purchaser can recede from Hall's title on the ground of the existence of a prior title, he can recede from Hall's title on the ground of the existence of any other title.

2d. The Statute, allowing, all other incumbered titles to be barred by the possession of the purchaser, under a title deed, for seven years, does not apply to the case of a purchaser, who has entered into possession under a contract to purchase an interest of more than seventy years, and who has not received a title deed, and who has not paid the purchase money, and who has not been in possession for seven years.

3d. The Statute, allowing, all other incumbered titles to be barred, by payment to title of the same land purchased for seven years, does not apply to

ART. 2d. The plaintiff's title to the land in question, is within the Statute, and, also applicable, to the seven years Statute of Limitations, and is barred by the same.

The plaintiff is barred by the seven years Statute of Limitations, because the defendant's possession was adverse. Where possession is adverse, the Statute of Limitations begins to run from the time the possession commences, and not from the time the title accrues. Where the party has a good and bona fide title deed, possession will be presumed to be adverse, and the Statute will run from the time possession commences, unless the party has actual knowledge, or constructive notice, that he has no title. Where a party has a bona fide title deed, and has been in possession for seven years, he is barred by the Statute of Limitations, although he may not have received a deed, and may not have paid the purchase money, and although he may not have been in possession under a contract to purchase an interest of more than seventy years. The Statute, in the interpretation of the supreme, and our courts, has been construed to mean, that possession for seven years, under a bona fide title deed, is sufficient to bar all other titles, and to vest a perfect title in the party holding the same. The supreme court never believed, when they decided the Statute of Limitations to be a bar to all incumbered titles, after seven years possession under a bona fide title deed, that they were violating the spirit and intent of the Statute, in the interpretation of the supreme, and our courts, the Statute

The engineer shall cause a book to be kept, in which an abstract of all permits issued shall be recorded, and all bonds required by this ordinance shall be filed in the office of the city register.

SEC. 16. All ordinances and parts of ordinances conflicting with the provisions of this ordinance are hereby repealed, except all ordinances for the building of sewers under which contracts have been approved.

Approved, November 25, 1859.

(No. 3723.)

STEAM WHISTLES.

AN ORDINANCE IN RELATION TO STEAM WHISTLES.

§ 1. Steam whistles prohibited.
2. Penalty for violation of ordinance; not to apply to steamboats and locomotives.
§ 3. Certain persons presumed to have caused or permitted whistles to be sounded, when.
4. Duty of street inspector; to report to board of health, when.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. That hereafter it shall not be lawful for the owner or owners, agents, lessees, supervisors, or superintendents, workmen, or employees in any capacity, of any saw mill, or factory of any kind, or of any machine shop, or foundry, or mill of any kind, to blow, or sound, or cause, or permit to be blown or sounded, for any purpose whatever, any steam whistle within the city of St. Louis, about or connected in any manner with any saw mill, factory of any kind, machine shop, foundry, or mill of any kind, of which he or they are the owners, agents, supervisors, superintendents, workmen, or employees.

SEC. 2. Any person offending against the foregoing section shall be deemed guilty of a misdemeanor, and shall, for each offense, forfeit and pay to the City of St. Louis a fine of not less than three nor more than one hundred dollars; but this

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ordinance shall not be so construed as to prevent the use of steam whistles on steamboats or locomotives within the city of St. Louis.

SEC. 3. Whenever any steam whistle shall be blown or sounded about any premises contrary to the first section of this ordinance, the proprietors, or any of them, and the employees of said premises, shall be presumed to have caused or permitted said steam whistle to have been blown or sounded.

SEC. 4. Whenever it shall come to the knowledge of the street inspector of any ward or district that there is in his ward or district any steam whistle used in contravention of the provisions of this ordinance, it shall be the duty of such inspector to notify the owners or persons having the charge of the premises about which the steam whistle is used to abate the same, and on their failure so to do, within three days from the time of being so notified, the street inspector shall report them to the board of health, who shall cause said steam whistle to be abated in the same manner as other nuisances.

Approved September, 23, 1856.

(No. 4831.)

STREET LAMPS.

AN ORDINANCE TO PROVIDE FOR THE CLEANING, LIGHTING AND REPAIRING OF THE PUBLIC STREET LAMPS BY CONTRACT.

§ 1. Engineer to contract for lighting and repairing street lamps.

2. Superintendent of street lamps appointed, by whom; salary; contract for lighting lamps, how made.

§ 3. Cost of lighting street lamps, and salary of superintendent, how paid.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The city engineer is hereby authorized and instructed to contract, in the same manner as for other city work, for the cleaning, lighting, and repairing of the public street lamps for the term of one year, and the said work shall

be re-let annually thereafter. The lighting, cleaning, and repairing shall each be let separately, if it shall be the interest of the city so to do, and the price shall be for each item.

SEC. 2. The city engineer, with the advice and consent of the mayor, if it should be deemed necessary, shall appoint a suitable person to superintend the public street lamps under the direction of the city engineer, at a salary not exceeding sixty dollars per month. The lighting and the extinguishing of the lamps shall be in accordance with the contract between the City of St. Louis and the St. Louis gaslight company.

SEC. 3. The cost of the above mentioned work, and also the salary of the superintendent aforesaid, shall be paid monthly on the certificate of the city engineer, and shall be charged to appropriation for lighting the city.

Approved, March 23, 1861.

(No. 2386.)

STREET LAMP POSTS.

AN ORDINANCE FOR THE PROTECTION OF LAMP POSTS, TELEGRAPH POSTS AND WIRES, GAS LAMPS AND BRACKETS.

§ 1. Penalty for injuring. | § 2. Informer to have one-half of fine.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. Any person who shall wilfully or maliciously or negligently injure, pull down or break any lamp post, bracket, or gas lamp, or telegraph post, or telegraph wire or wires, within the city of St. Louis, shall be deemed guilty of a breach of this ordinance, and subject to a fine of not less than ten nor more than three hundred dollars, to be sued for and recovered as in other cases of breach of city ordinances.

SEC. 2. One-half of any fine recovered and collected for a breach of this ordinance, shall be paid to the informer or person who shall make complaint of any violation or breach hereof, and attend to the prosecution of such complaint to judgment against the party or person informed against.

Approved, March 29, 1850.

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(No. 2396.)

TARE OF BARRELS.

§ 1. Tare of barrels, &c., to be marked; penalty for false tare.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. All sugar, rice, coffee, pepper, alspice, indigo, madder, copperas, and other articles, changed from the original package and sold by the barrel, half barrel, or keg, shall have the tare marked on each barrel, half barrel, or keg; and any person or company who shall tare any barrel, half barrel, or keg, containing sugar, rice, coffee, pepper, alspice, indigo, madder, copperas, or other articles, changed from the original package, sold or for sale in St. Louis, at less than the true weight thereof, shall, upon conviction before the city recorder, pay a fine of not less than twenty dollars, nor more than one hundred dollars, for each offense, to be paid into the city treasury.

Approved, March 30, 1850.

(No. 4777.)

TAVERNS, DRAM-SHOPS, & BEER-HOUSES.

AN ORDINANCE REGULATING TAVERNS, DRAM-SHOPS, AND BEER-HOUSES.

§ 1. No person to sell wine, spirituous or fermented liquors, without license.
2. Dram-shop or tavern keeper defined.
3. Keeper of a beer-house defined.
4. Keeper of a beer-house not to barter wine or spirituous liquors at his beer-house.
5. License regulated.
6. No person to keep tavern, &c., at any other place than that designated in license.
7. License not assignable.
8. This ordinance not to apply to merchants selling under merchant's license.
§ 9. Term "intoxicating liquors" defined.
10. Rate of license.
11. Duty of collector to report number of licenses.
12. Penalty for violation of ordinance.
13. Duty of collectors to enforce this ordinance.
14. Dram-shop and beer-house licenses—duties and fees of collectors when not paid within time required by law.
15. Fees of collectors not considered due until ten days after license due or demand made.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. No person, or copartnership of persons, shall, in the city, directly or indirectly, in person or by another, sell, barter, or deliver, or knowingly permit to be sold, bartered, or delivered, for or on his or their account, any wine or spirituous or fermented liquor, without a license first obtained, according to the provisions of this ordinance, as a dram-shop keeper, tavern keeper, or keeper of a beer-house.

SEC. 2. A dram-shop keeper, or a tavern keeper, is a person permitted by law, being licensed, according to the provisions of this ordinance, to sell intoxicating and fermented liquors in any quantity less than one quart.

SEC. 3. A keeper of a beer-house is a person permitted by law, being licensed, according to the provisions of this ordinance, to sell fermented liquors in any quantity less than a quart, to be drunk at the place of sale.

SEC. 4. No keeper of a beer-house shall barter, or give away, at his beer-house, any wine or spirituous liquor, under any pretence whatever.

SEC. 5. On payment to the collector of the ward in which the business is proposed to be carried on, of the sum hereinafter required, he shall issue a license to the applicant to keep the kind of establishment applied for, for six months from the date of the license, in the tenement designated in the license.

SEC. 6. No person or persons so licensed shall, under such license, keep a tavern or dram-shop at any other place than the place designated: *Provided*, that he or they may remove the carrying on of such business during the continuance of such license, from the tenement designated therein, to any other tenement in the city.

SEC. 7. No license granted under this ordinance shall be assignable or transferable.

SEC. 8. This ordinance shall not be construed to apply to the sale, by a person as a merchant, of intoxicating liquors,

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according to the provisions of the ordinance regulating merchants' licenses.

SEC. 9. The term "intoxicating liquors," as used in this ordinance, shall be construed to mean wine and spirituous liquor, and any composition of which wine and spirituous liquor, or either, is a part.

SEC. 10. For a license as a tavern-keeper or dram-shop keeper, there shall be paid twenty-five dollars, and for a license to keep a beer-house, ten dollars, and any such license shall authorize the business therein designated to be carried on at one place only.

SEC. 11. It shall be the duty of the collector of the revenue in each ward of the City of St. Louis, to report to the city register, on the first Monday of every month, the number of licenses granted to keep a tavern, dram-shop, or beer-house, and the names of the persons to whom granted, and whether the same was for a tavern, dram-shop, or beer-house, and the name of the street, and the number of the house for which the license was granted.

SEC. 12. Whoever shall violate any of the provisions of this ordinance, shall forfeit and pay to this city, for the first offense, not less than twenty dollars; for the second and each subsequent offense, not less than fifty dollars; and upon a third conviction, the license of the person so convicted shall be adjudged to be forfeited, and no license to keep a tavern, dram-shop or beer-house shall be again granted to the person so convicted.

SEC. 13. It shall be the especial duty of the collector of each ward of this city to see that the provisions of this ordinance are enforced.

SEC. 14. That for the collection of all dram-shop and beer-house licenses which shall not be paid within ten days after the time required by law, the city collector shall be allowed a fee of one dollar, to be charged on and collected with the license; and in case any such license shall not be paid within the time above specified, and after demand by the collector, then and in that case it shall be the duty of the collector to

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report the delinquent to the city recorder, and in case of conviction, the collector's fee of one dollar, together with usual witness fees for his attendance at the trial, shall be taxed against the defendant, and shall be collected as other costs, and, when collected, shall be paid to the collector.

SEC. 15. The fee allowed to the collectors by this ordinance shall not be considered due until ten days after the license shall have become due or demand has been made therefor by the collectors.

Approved, January 17, 1861.

(No. 4795.)

TREASURY DEPARTMENT.

AN ORDINANCE ESTABLISHING AND REGULATING THE TREASURY DEPARTMENT.

ARTICLE I.

Auditor.

§ 1. Department established.
2. Auditor to be general accountant of city.
3. His duties.
4. To keep separate account of revenue in certain cases.
5. May administer oaths.
6. Claims more than one year old not to be audited.
7. Warrant not to be drawn in favor of person indebted to the city, except.
8. Warrant to be drawn, when.
9. Warrant not to be drawn unless there is money in the treasury to pay it.
§ 10. Proceedings against defaulting officers.
11. Auditor to furnish abstract of books, &c.
12. Official term of auditor when to commence.
13. Clerk of auditor to be appointed; his qualifications, &c.
14. Clerk, how styled.
15. Duties of auditor, how perform- in case of vacancy.
16. Auditor to pay to treasurer moneys unpaid on any pay roll, when.
17. Duties of auditor and treasurer in relation to pay rolls

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A department of the city government is hereby established to be styled the "Treasury Department," which

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shall embrace the city auditor, the comptroller, and the city treasurer.

SEC. 2. The city auditor shall be the general accountant for the city, and shall receive and preserve in his office all city account books, and all vouchers, documents and papers relating to the accounts and contracts of the city, its revenue, debt and fiscal affairs, whether between the city and any officer thereof, or between the city and any person or body corporate, except where said books, vouchers or documents are, by ordinance, placed in the custody of some other officer or person.

SEC. 3. It shall be the duty of the city auditor, in addition to the duties prescribed by the city charter: *First*—To examine, audit and adjust all accounts, claims and demands for or against the city, for the payment of which any money may be drawn out of the city treasury; and after having examined the same, with all accompanying vouchers and documents, to certify the balance or true state of such claims or demands, except where some other officer is charged with such duty. *Second*—To keep a day-book, journal and ledger, or other proper books, in which the accounts of the city shall be kept by double entry. The city shall be represented in said books by the term "City Revenue," and all moneys coming into the treasury shall be carried to the debit of the city revenue, specifying the objects from which said revenue is derived; and the city revenue shall be credited with all appropriations, specifying on what account the appropriation is made. *Third*—To keep in proper books the accounts between the city and city treasurer, charging him with all moneys received into the treasury, specifying the objects from which said moneys have been derived, and crediting him with all warrants drawn. *Fourth*—To keep in proper books the accounts between the city and all officers, persons, or bodies corporate, who may have the collection of any money for the city, charging each with the amount which may be in his hands for collection, or with blank licenses or certificates issued to him, and crediting him with all pay-

ments made into the city treasury. *Fifth*—To keep in such books a detailed and specific statement of the condition of the city revenue, entering every fund which by law or ordinance is made a separate fund, crediting each fund with all receipts into the treasury, on account thereof, and charging it with all appropriations thereof and warrants drawn thereon. *Sixth*—To keep a register of all warrants drawn on the treasury, specifying the date, number and amount, the name of the person to whom, and out of what fund payable. *Seventh*—To keep an account of all debts due to or from the city, and a bill book, into which he shall enter all bonds, notes, bills and other obligations given by or payable to the city, with the person by or to whom, and the time when principal and interest are payable, and the rate of interest; and all accounts, notes, bonds or claims against persons for purchases of land in the common, or for rent due on land therein, shall be entered as other claims and accounts on the books of the auditor, and the collection thereof shall be accounted for as other claims are; but the comptroller may select whichever of the city collectors he deems proper to collect such claims, accounts, notes or bonds.

SEC. 4. The auditor shall keep a separate account of the revenue applicable to the following objects, namely: Interest on the city debt, water-works, lighting the city, the wharf, harbor improvements, sewers, city hall, and market-house, and the general administration of the city government.

SEC. 5. The auditor may administer oaths or affirmations to parties and witnesses in any case in which he may deem it necessary for the due examination of any accounts or claims presented to him to be audited.

SEC. 6. No claim against the city which is not funded [founded] on a bond or other writing executed by the city shall be audited and settled which has not been presented within one year from the time said claim became due.

SEC. 7. The auditor shall not draw a warrant on the treasurer in favor of any person indebted to the city, or the assignee of such person, except for the balance which may

appear to be due to such persons over and above the debt due the city; or in favor of any officer who is in arrear or in default to the city.

SEC. 8. The auditor shall draw his warrant on the city treasurer for any money found to be due and owing by the city, and for which there is an appropriation, specifying the fund or appropriation out of which such warrant is to be paid.

SEC. 9. The preceding section shall not be held to authorize any warrant to be issued unless there be actually in the treasury money to pay the same.

SEC. 10. Whenever, upon the the adjustment of any account, a sum of money shall be found by the auditor to be due to the city from any city officer, and the same shall not be paid into the city treasury within ten days after the adjustment of the account, and the treasurer's receipt therefor, delivered to the auditor, that officer shall add to the sum due the commission, if any, to which the delinquent is entitled, which shall be forfeited to the city; and the auditor shall certify the amount due to the comptroller, who shall order suit to be commenced against the delinquent, or take such other measures as in his judgment will most effectually secure the city from loss.

SEC. 11. The auditor, whenever required, shall furnish the mayor or common council, or committee of the council, copies or abstracts of any books, accounts, records, vouchers, or documents in his office, or any information in relation to any thing pertaining to his office or to the revenue of the city, and he shall at all times permit the mayor, any member of the common council, the comptroller, or any other city officer interested, to examine any books, papers or documents in his office.

SEC. 12. The official term of the auditor shall commence on the second Monday in April in each year.

SEC. 13. There shall be appointed a clerk of the auditor, who shall perform such duties in the auditor's office, connected with the duties thereof, as the auditor may direct.

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SEC. 14. The person so appointed shall be styled the auditor's clerk.

SEC. 15. In case of a vacancy in the office of auditor, or of his absence from the city, or sickness, or other inability to perform his duties, the comptroller shall audit and settle all accounts or claims against the city, and the auditor's clerk shall sign, in the place of the auditor, all warrants on the treasury.

SEC. 16. The auditor is hereby required, at the end of each month, to pay over to the treasurer and take his receipt therefor, all moneys that may remain unpaid on any pay-roll appertaining in any way to his office.

SEC. 17. The treasurer shall keep a pay-roll account which shall show proper dates, persons, objects and amounts; and he shall credit said accounts with all moneys paid over by the auditor as provided for in section sixteenth, and shall, on demand, pay such persons as may appear entitled thereto, their proper sum, take their receipt for the same, and charge the amount to said pay-roll account.

ARTICLE II.

Comptroller.

§ 1. Duties of comptroller.
2. To direct the manner of keeping accounts and to examine books of city officers.
3. Reports to be made by comptroller; shall bring suit against delinquent officers, when.
4. To countersign warrants; may administer oaths.
5. Shall sign city bonds; to be responsible for proceeds of bonds.
6. To keep account of improvements ordered by council.
7. Authority of comptroller in relation to city debt.
§ 8. Authority of comptroller in relation to assessment of taxes.
9. Sale of city property and collection of notes, comptroller to attend to.
10. Receipts and expenditures, comptroller to publish statement of, when.
11. To report to council annually; what report to contain.
12. Deputy comptroller and bookkeeper, how appointed; duties of.
13. Bonds of five hundred dollars—comptroller may issue, when.

SECTION 1. There shall be a comptroller, whose duties it shall be to exercise a general supervision over all the city officers regarding the proper discharge of their official duties;

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over the collection and return into the city treasury of the revenue of the city, of whatever description; over the city debts and all other fiscal concerns of the city; over any property of the city; over all legal and other proceedings in which the city's interest is involved, or in any manner concerned.

SEC. 2. He shall describe the form and manner in which all accounts and account books of the several city officers shall be kept; and he shall examine the books of said officers as often as he shall think proper, and see that they are properly and neatly kept; and said books shall be at all times subject to the inspection of the comptroller.

SEC. 3. He shall require of all officers in receipt of city's money, or those holding office under the city, to submit semi-annual reports in detail of the business of their office, and he shall lay the same before the common council on the first day of each regular session thereof; and he may require reports to be made from any city officer as often as he shall see fit to require it by any regulation which he may adopt; and if any such officer shall refuse or neglect to make an adjustment of his accounts when required, and to pay over such moneys so received, it shall then be the duty of said comptroller to issue a notice in writing to such officer and his securities to make a settlement of his accounts with the auditor, and to pay over the balance of moneys found to be due and in his hands belonging to the city; and in case of refusal or neglect of such officer to adjust his accounts, or pay over said balance to the treasurer, it shall then be the duty of the comptroller to report the delinquency of such officer to the mayor, who shall at once suspend him from office and report to the common council the act. The comptroller shall then institute suit against such delinquent and his securities, to recover all the money due to the city.

SEC. 4. He shall examine all accounts against the city settled by said auditor, and countersign all warrants on the treasurer drawn by said auditor, in case of approval of said accounts. He shall be empowered to administer oaths to

parties or witnesses in any case in which he may deem it necessary for the due examination of such accounts. He shall also keep a register of all accounts approved as aforesaid.

SEC. 5. He shall sign, with the mayor and treasurer, and receive for safe keeping and sale, all bonds issued by the city. He shall be responsible for the proceeds of said bonds when sold, until placed to the credit of the treasurer.

SEC. 6. He shall keep in his office a correct account of all public improvements ordered by the council and under contract, copies of which shall be furnished him by the several departments authorized to make contracts; said books shall show the estimate, how much there is paid on it, the dates when paid, and when every separate contract is finished, the name of the contractor, and description of such contract.

SEC. 7. The comptroller is especially charged with the preservation of the credit and faith of the city in relation to its public debts, and all other obligations on the part of the city; and he is therefore authorized, whenever it becomes necessary, with the approval of the mayor, to draw his requisition upon the auditor for a warrant on the treasurer for any money which may be needed to pay any part of the principal or the interest of the public debt, and with the mayor's approval, in writing, to do any act herein which may be proper to accomplish the fiscal objects contemplated in regard to the city debt.

SEC. 8. He shall also superintend the assessment of taxes, and prescribe the books and rolls to be used by the board of assessors in the assessment of the valuation of the property for the purpose of taxation, and said books shall at all times be subject to the inspection of the comptroller. He shall, when satisfied that errors have been committed in the assessment, or in the bills for taxes, or when property has been omitted to be assessed, make such alterations or additional assessment as he thinks just, giving notice thereof to the auditor to be credited or charged to the different collectors on the auditor's books.

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SEC. 9. He shall also attend to the sale, renting, or any other disposition of any property belonging to the city, and the collection of all notes, rents and other dues to the city, except when in the hands of the fund commissioner.

SEC. 10. The comptroller shall make out an annual statement for publication in the month of March in each year, giving a full and detailed statement of all receipts and expenditures of money during the year ending the first day of said month. The statement shall also detail the liabilities of the city, the condition of all appropriations and contracts unfulfilled, the balance of money in the treasury and the sums due and outstanding, the names of all persons who have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city.

SEC. 11. He shall also in the month of April in each year, at the first stated session of the common council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the ensuing fiscal year. He shall, in said report, class the different objects of said city expenditures, giving, as nearly as may be, the amount required for each, a statement of all contracts made or directed by the council and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each; and for this purpose he shall require from the city engineer, and other city officers and heads of departments, such information as he shall need to enable him to fulfil the duty imposed upon him by this section. He shall also, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of all liabilities outstanding, and of bonds, interest, and any other kind of city's debt payable during the year, and when due, so that the common council may fully understand the money exigencies and demands of the city for the ensuing year.

SEC. 12. The mayor shall appoint, with the approval of the board of common council, a deputy comptroller, who shall

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perfect and definite system, comparable with the system of the metric decimal system. The former is the simpler for many of the ordinary purposes of life, and the latter is the more convenient for scientific use. The system that is in use in the United States is the English system, which is also the system that is in use in Great Britain. The following are the tables of the principal measures, weights, and capacities in use in the United States:

Measures.

1 Nautical or sea mile = 6,080 feet.	1 Statute mile = 5,280 feet.
1 Knot = 1 nautical mile.	1 Furlong = 660 feet.
1 League = 3 nautical miles.	1 Chain = 66 feet.
1 Degree = 69.16 statute miles.	1 Rod = 16½ feet.
	1 Fathom = 6 feet.
	1 Yard = 3 feet.
	1 Foot = 12 inches.

Surveyor's Measure.

1 Square mile = 640 acres.	1 Square rod = 272¼ square feet.
1 Square chain = 4,356 square feet.	1 Square yard = 9 square feet.
1 Acre = 10 square chains.	1 Square foot = 144 square inches.

Cubic Measure.

1 Cubic yard = 27 cubic feet.	1 Cubic foot = 1,728 cubic inches.

Liquid Measure.

Gallon.—There shall be deemed a dry measure, when applied to the measurement of coal, a gallon which shall contain two hundred and seventy-four cubic inches, and no more than the contents of the ordinary English Queen Anne's wine gallon, which contains two hundred and thirty-one cubic inches, and that the standard gallon for the measurement of all other liquids than milk shall contain two hundred and thirty-one cubic inches, specifying the form of vessels and dimensions, from which the standard gallon is derived, and that the standard gallon for the measurement of milk shall contain two hundred and seventy-four cubic inches.

Barrel.—Twenty-five hundredths of one hundredth of a barrel shall be deemed a gill; four gills shall be deemed a pint; two pints shall be deemed a quart; four quarts shall be deemed a gallon; thirty-one and one-half gallons shall be deemed a barrel; and the standard of measure for liquids in which spirituous and malt liquors are measured, and in respect of such measures and

file the same. *Fifth*—To deliver to every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid, and whether paid in money, or warrants or certificates. *Sixth*—To settle at the end of each month with the auditor and comptroller, and ascertain the balance in his hands.

Sec. 2. Whenever the moneys of the city in the hands, custody, or subject to the order of the treasurer, shall exceed the sum of ten thousand dollars, he shall forthwith deposit the surplus in the bank of the State of Missouri, to the credit of the City of St. Louis.

Sec. 3. When it becomes necessary to use the moneys, or parts thereof, deposited to the credit of the city as mentioned in the preceding section, the same shall only be drawn out of the bank on the check of the treasurer, payable to himself as such, approved by the mayor, and countersigned by the register, with the seal of the city thereon.

Sec. 4. It shall be the duty of the auditor and treasurer to make each a written report to the mayor whenever there is in the hands of the treasurer a surplus of moneys to be deposited as mentioned in the second section, specifying the amount thereof; and the treasurer shall, when such surplus has been deposited to the credit of the city, report the fact to the mayor and to the auditor in writing.

Sec. 5. The treasurer is hereby expressly prohibited from using, either directly or indirectly, the public money or warrants in his custody and keeping, for his own use or benefit; and any violation of the provisions of this section shall subject the treasurer to removal from office forthwith by the mayor.

Sec. 6. There shall be a treasurer's clerk, who shall be nominated by the common council, upon the recommendation of the treasurer, and confirmed as other city officers, whose duty it shall be to assist the treasurer in keeping the books and accounts of his office, and who shall hold his office for the same term as the treasurer.

Sec. 7. The treasurer shall be liable for the official acts of the said clerk in the same manner as performed by himself,

and may require from him sufficient bond for the faithful discharge of his duty.

ARTICLE IV.

General Provisions.

§ 1. Auditor and treasurer to make joint statement of income, &c., to council.
2. Committee to examine books, &c. of auditor and comptroller; to make settlement, &c.
§ 3. Said committee to report to council.
4. Said committee to examine books, &c., of treasurer; to make settlement with him, &c.
5. Expenses of officers of this department, how paid.

SECTION 1. The auditor and treasurer shall, at the opening of each stated session of the common council, furnish that body with a joint statement showing the amount of income derived from the revenue of the preceding fiscal year, the sources from which it was derived, and the appropriations thereof, and to what object appropriated; and, also, the revenue received during the then current fiscal year, how much less has been appropriated, and to what object it has been appropriated; and an estimate of the amount to be received into the treasury during the current fiscal year, from what source to be derived, and to what it may be applied.

SEC. 2. Immediately after the general election in each year, the mayor shall select a committee of two members elect of the board of common council, and two citizens, not members of said council, to examine the books, accounts, and vouchers of the auditor, comptroller, and register of water rents, to see if the same have been properly kept, and to this end may employ a competent and experienced book-keeper or accountant to assist them; to make settlement with that officer to the commencement of the fiscal year, and to witness the delivery of all books, papers, and property, in his office, to his sucessor in office.

SEC. 3. Said committee shall report their proceedings to the common council at its first stated or special meetings thereafter, and, if approved by that body, they shall cause the necessary entries to be made in the books of the auditor,

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comptroller, and register of water rents, to show the condition of his office at the end of the fiscal year, and the delivery of the effects of his office to his successor, which entries shall be attested by the signatures of the committee.

SEC. 4. The said committee shall, in like manner, examine the books, papers, accounts, and vouchers of the treasurer, count the money in the treasury, and the auditor's warrants and certificates on hand, and compare them with the treasurer's register thereof, and make settlement with that officer to the end of the fiscal year, and, also, for the time elapsing between that and the time of his going out of office, and report their proceedings to the council as in the preceding section directed; and if such proceedings and report be approved by that body, the committee shall perform the same service as is required in relation to the auditor, and shall, moreover, destroy, by burning, all auditor's warrants and certificates which they have examined in the treasurer's office and found correct.

SEC. 5. The expenses of the officers of this committee shall be paid by the city out of the appropriation for contingent expenses, at an expense not exceeding five hundred dollars.

Approved, January 24, 1861.

(No. 4584.)

VAGRANTS.

AN ORDINANCE CONCERNING VAGRANTS.

§ 1. Who to be deemed vagrants.
2. "Pigeon dropping" defined.
3. Pigeon dropping—two or more persons found acting in concert, can be tried jointly.
4. Evidence to establish charge of vagrancy.
§ 5. Able-bodied person, who deemed to be.
6. Penalty for vagrancy; recorder may require bond from defendant; in default of bond, may be committed to workhouse.
7. Repealing clause.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A vagrant under the meaning and provisions of this ordinance, shall be deemed to be—

First—Any able-bodied male person, over the age of sixteen years, who, not having visible means to maintain himself, lives idly, without employment, and without any settled place of abode.

Second—Any able-bodied male person, who, not having any visible means to maintain himself, shall be found loitering or rambling about, or wandering abroad, and lodging in groceries, tippling houses, beer houses, out-houses, bawdy houses, houses of bad repute, sheds, stables, market houses, lumber yards, or in the open air, or who shall be found trespassing in the night time upon the private premises of others, and not giving a good account of themselves.

Third—Any able-bodied male or female person, over the age of sixteen years, found wandering abroad and begging, or going from door to door begging, or appearing in any street, thoroughfare, or other public place, begging or receiving alms.

Fourth—Any male or female person who shall be the keeper, proprietor, or exhibitor of any gaming table or device, or who shall be an assistant or attendant at any such gaming table, or device.

Fifth—Any person who, for the purpose of gaming or gambling, travels about from place to place, or frequents steamboats at the wharf of this city, or goes from place to place in this city.

Sixth—Any person upon whom shall be found any instrument or thing used for the commission of burglary, or for picking locks or pockets, and who shall fail to give a good account of the possession of the same.

Seventh—Any person who shall be found engaged in pigeon dropping, as hereinafter defined.

Eighth—Any person who, having once been convicted of

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being a vagrant, or who has the reputation of being a vagrant, and who shall be found in possession of any Mexican puzzle, patent safe, strap, thimble and balls, or any other instrument or device used for pigeon dropping.

Ninth—Any prostitute, courtesan, bawd, or lewd woman, or any female inmate of any bawdy house, house of prostitution, house of assignation, brothel, or house of bad repute, who shall be found wandering about the streets in the night time, or frequenting dram shops or beer houses.

Tenth—Any procurer, pimp, or other male person, inhabiting a bawdy house, or house of prostitution or assignation, or in any way connected with the keeping of any such house.

Eleventh—Any male or female person who, living idly, without employment, habitually associates with persons having the reputation of being thieves, burglars, pickpockets, or pigeon droppers, or who habitually lodges in, or frequents houses or other places having the reputation of being the resort of thieves, burglars, pickpockets, or pigeon droppers, or places for the reception of stolen property.

SEC. 2. *Pigeon dropping*, under the meaning and intent of this ordinance, shall be deemed the winning or obtaining of money or property, or things representing money or property, by its being bet or staked, on game, instrument, contrivance, or device, under the control of any person concerned in the game, bet or stake, or of any confederate of such person, and so contrived or constructed that the result of any game, bet, or stake, can be determined by either of such persons; or the borrowing of money or property, or anything representing money or property, to be bet on any such game, instrument, contrivance, or device; or the inveigling, enticing, or persuading any person to bet or lend money or property, or anything representing money or property, to be bet or staked on any such game, instrument, contrivance, or device.

SEC. 3. Two or more persons found acting together, or in concert, for the purpose of pigeon dropping, may be tried jointly.

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SEC. 4. On the trial before the recorder of any person charged with being a vagrant, it shall be lawful for the city to introduce, in support of said charge, testimony as to the general character and reputation of the defendant touching any of the matters set forth in section first of this ordinance; and the defendant may resort to testimony of a like nature for the purpose of disproving said charge.

SEC. 5. An able-bodied person, under the meaning and intent of this ordinance, shall be deemed to be any person who is not by reason of physical disability prevented from following some honest avocation of labor, sufficient for his or her maintenance.

SEC. 6. Whoever shall be convicted of being a vagrant under the provisions of section first of this ordinance, shall be adjudged to pay a fine as follows: If under the first or ninth clause, not less than ten nor more than fifty dollars; if under the second or third clause, not less than fifty nor more than one hundred dollars; if under the fourth or fifth clause, not less than one hundred nor more than five hundred dollars; if under the provisions of the sixth, seventh, eighth, tenth, or eleventh clauses, five hundred dollars; and the recorder shall, in addition, require the defendant to give a bond to the City of St. Louis, with good and sufficient security, in a penalty of five hundred dollars, conditioned that said defendant will, for the space of six months next ensuing the execution of said bond, be of good behavior; and in default thereof, it shall be the duty of the recorder to commit said defendant to the workhouse, until such security is given, not exceeding six months.

SEC. 7. All ordinances, or parts of ordinances, conflicting with this ordinance, are hereby repealed.

Approved, February 3, 1860.

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(No. 4874.)

VEHICLES.

AN ORDINANCE IN RELATION TO HACKNEY CARRIAGES, OMNIBUSES, AND OTHER VEHICLES.

ARTICLE I.

Rates of License, Fares, and other Regulations for Vehicles.

§ 1. Certain vehicles not to be used, &c., without complying with this ordinance.
2. Tax to be levied on vehicles.
3. Owners paying vehicle tax, released from other taxes.
4. Vehicles to be numbered, how.
5. Register to issue license to party applying.
6. Bonds to be filed.
7. Owners to state under oath number of vehicles.
8. Certain vehicles exempt from tax.
9. Rates of fare for hackney carriages and railroad omnibuses.
10. Rates for drays.
11. Rates for furniture cars.
12. Printed copy of rates of fare to be hung up in hackney carriages.
13. Certain vehicles to have lighted lamps when driven in the night.
§ 14. Carts used to carry dirt, &c., to have certain description of box, tail-board, &c.
15. Penal section.
16. Inspector of vehicles appointed; his duties.
17. Inspector to give bond; his compensation and term of office.
18. Register to cause synopsis of ordinance to be endorsed on licenses.
19. Persons not having license, not to drive animals used in drawing licensed vehicle—penalty.
20. Register may issue license without other charge than his fee, when.
21. Regulations concerning persons receiving such license, badge to be worn, &c.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. No person shall, in this city, without complying with the provisions of this ordinance, hire out, or keep for hire or use, or caused to be used for hire, in the transportation of persons or property from one part of the city to another, or from places within the city to places without, or from places without the city to places within, and [any]

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hackney carriage, omnibus, dray, cart, wagon, or other vehicle.

Sec. 2. That there shall be levied an annual tax upon all two-horse omnibuses running in any of the regular omnibus lines of the city, twenty-five dollars; upon all two-horse railroad omnibuses, twenty dollars; upon all four-horse railroad omnibuses, thirty dollars; upon all hotel omnibuses, coaches and wagons, fifteen dollars; upon all wagons used and owned by public carriers, four dollars; upon all wagons used to draw grain and flour to and from the levee, ten dollars; upon all drays, seven dollars; baggage wagons used for public use as common carriers, ten dollars; upon all furniture cars used for public use, eight dollars; upon all cars [carts], two dollars; upon all carriages kept for hire in livery stables, five dollars; upon all buggies kept for hire in livery stables, two dollars. The register, however, may issue a semi-annual license if required by the applicant, according to the above rates.

Sec. 3. The owners of any vehicles mentioned in the foregoing section, paying the annual tax therein provided for, shall be released from all other taxes on the same to the City of St. Louis during the period for which said tax is paid.

Sec. 4. There shall be placed and kept conspicuously to view, on every dray, wagon, baggage wagon, furniture car, cart, hackney carriage, omnibus, cab or cabriolet, that occupies a stand, the registered number of such vehicle; such number shall be in plain, distinct and legible figures, each figure to be not less than two inches in length, and one inch and a half in width, painted in oil colors, and placed on each vehicle in the following manner: On drays and carts, the number shall be painted on metallic plates, and placed on the outer side of each shaft, three inches in front of the body or bed of the cart or dray; on wagons, the number shall be painted on metallic plates and placed on the hind axle, and, where a body is used on such wagon, said number shall also be placed on one outer side thereof; on furniture cars, the

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number shall be painted on metallic plates, and placed on each outer side of the body; on hackney carriages, cabs or cabriolets, that occupy stands, the number shall be painted on the outer glass of the lamps; and, on omnibuses, the number shall be placed on some conspicuous place on the outside of the body thereof, in Arabic numerals, not less than three inches square, so that it can be easily read from the sidewalk.

SEC. 5. It shall be the duty of the city register, upon receiving the annual tax of any vehicle mentioned in the preceding sections, [to] register the same, and give the party applying for the license the number to be put thereon; and if such number be so placed upon said vehicle, and bond be entered into, as hereinafter required, within three days after registry of said vehicle, the register shall, upon being paid a fee of fifty cents, deliver to the party applying a license to use said vehicle for one year from the date of the payment to the register, otherwise the money so paid shall be forfeited.

SEC. 6. The party applying for a license shall, before the same shall be issued, enter into bond to the city, with sufficient security, to be approved by the register, in a sum not less than two hundred dollars, (unless the said license be for a dray,) conditioned for the safe delivery of all property delivered to him, or his servant or agent, to be conveyed, and for payment of all damage which may accrue to any person by his negligence, or that of his servants, agents or employees, in and about the use and management of the vehicle licensed. The party applying for a license for a dray shall enter into a like bond, in the sum of three hundred dollars, and the said bonds may be sued upon, in the name of the city, by any person injured by a breach of the conditions thereof.

SEC. 7. All persons who are owners, keepers or occupants of livery stables, shall state annually, under oath, before the city register, what number of cabs, cabriolets, carriages and

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buggies are owned or kept for hire by them, and shall pay on each the tax required by the second section of this ordinance. All owners of omnibuses shall, in like manner, be required to state, under oath, the whole number of omnibuses owned, driven and employed by them, and shall pay the tax assessed by the second section of this ordinance.

SEC. 8. No tax shall be levied on owners of wagons or other vehicles exclusively engaged in hauling into the city wood, coal, bread, milk, or marketry, for sale; but this ordinance shall not be construed to exempt owners of vehicles from taxation who reside out of the corporate limits of the city, and who use such vehicles within the city limits for hire.

SEC. 9. For the use of any hackney carriage, cab, or cabriolet, licensed as aforesaid, the owner shall be entitled to charge, demand and receive the following compensation, and no more:

First—For conveying one or more passengers a distance of not exceeding one mile, one dollar.

Second—For conveying one or more passengers over one mile, and not exceeding two miles, one dollar and a half.

Third—For conveying one or more passengers one mile or less, remaining half an hour, and returning, two dollars.

Fourth—For conveying one or more passengers over one, and not exceeding two miles, remaining half an hour, and returning, two dollars and a half.

Fifth—For conveying one or more passengers over two miles, two dollars and fifty cents, and seventy-five cents for each succeeding mile.

Sixth—For conveying one or more passengers over two miles, and not exceeding three miles, remaining half an hour and returning, three dollars.

Seventh—For the use of any hackney carriage or wagon, by the hour, with one or more passengers, with the privilege of going from place to place, and stopping as often as required, one dollar and a half for the first hour, and seventy-five cents for each succeeding hour.

Eighth—The owner or driver of any omnibus licensed to

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run to the several railroad depots, hauling passengers to and from said railroad depots within the city limits, shall be entitled to demand and receive no more than twenty-five cents for each passenger, and shall convey such passenger to any part of the city he or they may require.

SEC. 10. The owner or driver of any dray or baggage wagon shall be entitled to demand and receive for ten blocks, thirty cents; for any distance over ten blocks, shall be according to agreement. If there is no agreement, the charge to be in the same proportion that ten blocks is to thirty cents.

SEC. 11. The owner or driver of any licensed furniture car or wagon shall be entitled to charge, demand and receive, for putting a load upon his car or wagon, transporting the same, and putting the same off, seventy-five cents for the whole.

SEC. 12. The owner or driver of any hackney carriage or other vehicle used for the transportation of persons for hire, shall keep on the inside of each carriage or vehicle, hung up in a conspicuous and prominent manner, so as to be easily seen and read, a printed copy of the rates of fare established by the ninth section of this ordinance. Said copy shall be printed in black ink, on thick, white card paper, not less than ten inches square, and the type used for printing said rates shall be Roman type, not less in size than that known as double primer, and passengers of, or persons employing such carriage, or other vehicle, shall have the right to examine such copy before paying their fare. Said cards to be furnished by the register, the applicant paying the cost of the card. The driver or person having the immediate use and charge of any hackney carriage, cab or cabriolet that occupies a stand, shall have placed on his hat or cap, conspicuous to view, a badge or belt, with the word "Public" exposed to view, in distinct and legible characters.

SEC. 13. Every hackney carriage, cab or cabriolet, when driven in the night, shall have fixed on some conspicuous part of the outer side thereof two lighted lamps, with plain glass fronts and sides, on which shall be painted in dark and

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legible figures, at least two inches long, the registry number thereof. All omnibuses, when driven in the night, shall have lighted lamps or candles inside thereof, with the number of said omnibus in front of said lamp or light.

SEC. 14. Every cart or vehicle used to transport dirt, manure, mud, ashes, lime, garbage, swill, offal, or other loose material, in any of the streets of this city, shall be fitted with a good and substantial light box thereon, the sides of which shall be twenty-four inches, and the tail-board eighteen inches high, so that no portion of such dirt, manure or other loose material be scattered or thrown into the street; and all carts and other vehicles used for hauling ashes, garbage, swill, or other offensive matter, shall have the box thereon closely covered with sufficient covering of cloth or boards, closely fitted, so as to prevent the escape or flying about of any of the contents or effluvia therefrom. Every person using any cart or other vehicle for the purpose herein named without complying with the provisions of this section, shall be subject to a fine of not less than three nor more than twenty dollars.

SEC. 15. Any owner of a hackney carriage, omnibus, or other vehicle mentioned in this ordinance, who shall fail to pay the annual tax thereon; and any owner or driver of a hackney carriage or omnibus, who, when required, shall fail, neglect or refuse to carry any passenger, or his baggage; and any drayman and furniture carman, who, when required, shall fail, neglect or refuse to convey any article, unless such owner, driver, drayman or carman should be, at the time, actually otherwise employed; any such person who shall fail to keep the number of his vehicle constantly upon the same, and in a plain and legible condition; and any such person who shall ask, demand, and receive, for conveying persons or property, more than the sums allowed by this ordinance, or shall, in any other manner, violate or fail to comply with any of the provisions of this ordinance, a penalty for which is not herein expressly fixed, shall be deemed

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guilty of a misdemeanor, and shall forfeit and pay not less than five nor more than one hundred dollars.

SEC. 16. The mayor shall appoint an inspector of vehicles, whose duty it shall be to discover and report to the recorder the owner or owners of all vehicles running without a license: *Provided*, that none shall be reported but those whose licenses have expired for fifteen days, and during the said fifteen days the numbers of the vehicles whose licenses have expired shall be published in the newspapers doing the city printing; and also to discover and report, as aforesaid, the owner or owners of all vehicles running without having the registered number thereon, if a registered vehicle, or without having posted up on the inside of each and every vehicle, in a conspicuous place, a printed copy of the rates of fare, as established by the eleventh section of this ordinance.

SEC. 17. The person so employed in section sixteenth shall receive fifty cents for each person reported by him to the recorder for a violation of this ordinance, when the fine imposed on such person, if any, shall be collected in cash and paid into the city treasury by the city marshal, as in other cases. He shall give bond, to be approved of by the mayor, in the sum of five hundred dollars, conditioned for the faithful performance of his duties; and for his services he shall be paid a salary of six hundred dollars per annum, payable monthly, and hold his office for one year.

SEC. 18. It shall be the duty of the city register, immediately upon the passage of this ordinance, to cause a synopsis of the same to be printed on the back of all vehicle licenses issued by him.

SEC. 19. That no person shall, in this city, drive the animals used in drawing any licensed vehicle of any kind, engaged in the transportation of persons or property, for hire, (omnibuses alone excepted,) without first having obtained a license under, and otherwise complying with, the provisions of this ordinance, other than the person in whose name such vehicle is licensed; and any person so offending shall, for

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each offense, forfeit and pay to the city a fine of not less than five nor more than fifty dollars, to be used [sued] for, recovered, and collected, as other fines and penalties.

SEC. 20. The city register is hereby authorized and directed to issue a license to any person of good moral character to drive any such licensed vehicle, without any charge other than his fee for issuing the same, which said license shall authorize the person therein named to drive the vehicle or vehicles therein named and specified, for the period of one year; but no such license shall be transferable without the consent of the register indorsed in writing thereon, specifying the name of the person to whom transferred, and no person other than the one so licensed shall be allowed to act under said license.

SEC. 21. The license so issued shall correspond in number with the number of licensed vehicle or vehicles authorized thereby to be driven, and the person so licensed as driver, as also the person in whose name any such vehicle shall or may be licensed, shall procure a leather or metallic badge, upon which shall be painted or engraved, in conspicuous figures, the number of the vehicle such person is then engaged in driving, which badge shall be worn by such person at all times, when engaged in driving such vehicle, or in endeavoring to procure persons or property for transportation, in a conspicuous place, upon their hat or cap, so as to be easily seen by all persons transacting business with them; and no person not so licensed, either as owner of said vehicle, or as such driver, shall wear such badge or number.

ARTICLE II.

Stands for Vehicles.

§ 1. Street inspectors to select stands for vehicles.
2. Selection to be in writing; submitted to mayor for his approval, and filed in city engineer's office; may be changed, how.
3. Lists of stands to be published.
4. Stands not to be within certain limits.
§ 5. Duty of owners of vehicles; penalties.
6. Stands for vehicles carrying long feed designated.
7. Market and Fourth streets, opposite entrance to courthouse, not to be occupied by vehicles; duty of street inspector; penal clause.

SECTION 1. It shall be the duty of the street inspectors, in their respective districts, to select and designate suitable and convenient places, and parts of streets and avenues, as stands for coal wagons, wood carts, furniture cars, hackney carriages, cabs, cabriolets, and other vehicles, which usually occupy parts of the public streets and avenues by their own owners, temporarily, for the purpose of making sales or seeking employment.

SEC. 2. The selection and designation of stands, required to be made in the preceding section, shall be made in writing, on or before the first day of January in each year, and be submitted to the mayor for his approval; and if such selections and designation shall be approved by the mayor, a copy thereof shall be filed in the office of the city engineer; and any changes that the street inspectors may find it necessary to make in their respective districts, with a view to public convenience, shall, in like manner, be submitted to the mayor, and, if approved, a copy shall be filed in the office of the engineer.

SEC. 3. It shall be the duty of the street inspectors, each for his own district, to publish twice each year, by at least fifty handbills, posted in conspicuous and most public places throughout their respective districts, a list or brief description of the streets, parts of streets or places, selected and designated as stands for the purposes specified in the preceding sections of this ordinance.

SEC. 4. No stand for any coal wagon, cart or other vehicle used for the carrying of coal, or for any wood cart shall be selected on any street, lane or avenue, of this city, east of Sixth street and between Franklin avenue and Elm street; nor on any street east of Broadway and between Cherry street and Biddle street; nor on Broadway, between Franklin avenue and Biddle street; nor on any street, lane or avenue east of Fourth street, between Elm street and Plum street; nor on Second street, between Spruce street and Wood street; nor shall any stand be selected for furniture

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cars, hackney carriages, cabs or cabriolets on any street, lane or avenue east of Fourth street, between Elm street and Franklin avenue.

SEC. 5. It shall be the duty of all owners, drivers or other persons in charge of any wood cart, coal wagon, cart or other vehicle used for the conveyance of coal, or offering the same for sale in the city, to occupy with their wagons, carts or other vehicles, the stand or stands which shall be selected and designated by the street inspector in pursuance of this ordinance; and such coal wagons, carts, or other vehicles, shall not be allowed to stand, nor shall coal be offered for sale, or sold, from any wagon, cart or other vehicle, in any street, lane or avenue, except such as shall be designated as aforesaid; nor shall any furniture car, hackney carriage, cab or cabriolet occupy any part of any street, lane or avenue, as stands, except the places selected and designated for that purpose; and every owner of any such wagon, cart or other vehicle, or his agent, driver, or person in his employ, or the owner, agent, driver, or person in charge of any furniture car, hackney carriage, cab, or cabriolet, within the purview hereof, who shall violate any of the provisions of this ordinance, or any of the rules and regulations made in pursuance thereof, shall be liable and subjected to a fine of not less than five dollars, and not exceeding fifteen dollars, for each and every offense, to be sued for and recovered before the city recorder, as in other cases of breach of city ordinance: *Provided*, that nothing in this ordinance shall be so construed as to prevent the selling of any coal while at the weigh scales, or while passing to or from any of the stands which may be selected in pursuance hereof.

SEC. 6. So much of Broadway as lies between the north side of Biddle street and the south side of Cass avenue is hereby set apart and established as the only stand for vehicles used in carrying long feed for horses and cattle, to-wit, hay, straw, fodder, and similar articles: that part of Fifth street lying between Hickory street and Park avenue is here-

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by set apart and established as the only stand for said vehicles in the southern part of the city; and that part of Broadway lying between Howard and West Brooklyn streets is hereby set apart and established as the only stand for said vehicles in the northern part of the city. All persons bringing such long feed in vehicles to this city for sale, are required to occupy one of said stands, under penalty of not less than five nor more than ten dollars.

SEC. 7. A space of at least forty feet front, and along the curb-stone, shall be reserved on Fourth street and on Market street, opposite the entrance on said streets, to the court-house, which shall not be occupied by any of the vehicles enumerated in the ordinance to which this is amendatory; nor shall said space be obstructed in any manner whatever; and it is hereby made the special duty of the street inspector of the ward in which the court-house is situated to see that this ordinance is enforced; and any person violating the same shall be fined five dollars for every such offense.

ARTICLE III.

Regulations and Penalties.

§ 1. Penalty for extortion and illegal charge.
2. Owner or driver of vehicle convicted of violation of ordinance, not entitled to new license for five years.
§ 3. Duty of clerk of recorder's court and register in cases of violation of this ordinance.
4. Penalty for officer failing to perform his duty.
5. Repealing section.

SECTION 1. Every owner, driver, or other person, having charge of any hackney carriage, cab, cabriolet, baggage wagon, or other vehicle, who shall extort, exact, charge, demand, or receive, as compensation, any sum for the use or hire of any such vehicle, exceeding the compensation allowed by ordinance, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and fined not exceeding one hundred dollars, nor less than twenty-five; and, in addition thereto, the license of such vehicle, in whosesoever name the same may have been granted, shall be declared forfeited to the use of the city.

SEC. 2. Any owner, driver, or other person, convicted of a violation of the first section of this article, shall not be again entitled to obtain a new license for any vehicle mentioned in this ordinance, of which he may be the owner or driver, or of which he may have control, for the term of five years from the date of such conviction.

SEC. 3. It shall be the duty of the clerk of the recorder's court, upon any person being convicted of a violation of the provisions of this article, to make a written return within two days thereafter to the city register, giving the date and the name of the person so convicted; also, the number of the vehicle of which he may be the owner or driver; and thereupon it shall be the duty of the city register to enter the same in a book, to be by him kept for that purpose, which book shall be open at all times to public inspection, on application; and upon any person or persons applying for a license for any hackney carriage, cab, cabriolet, baggage wagon, or other vehicle, it shall be the duty of the city register, before issuing a license to such person or persons, to examine such person or persons under oath, and if it be found, on such an examination, that such person or persons was, at any time within five years before making such application, convicted of violating any of the provisions of this ordinance, the register shall refuse to issue a license to such person or persons.

SEC. 4. Any officer whose duty it shall be to enforce the provisions of this ordinance, and who shall willfully connive, refuse, or fail to perform the same, shall, on conviction, be adjudged guilty of a misdemeanor, and fined not exceeding one hundred dollars and not less than fifty dollars.

SEC. 5. All ordinances and parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Approved, July 5, 1861.

(No. 4890.)

VEHICLES.

AN ORDINANCE AMENDATORY OF AND SUPPLEMENTARY TO ORDINANCE FOUR THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ORDINANCE IN RELATION TO HACKNEY CARRIAGES, OMNIBUSES, AND OTHER VEHICLES."

§ 1. Transfer wagons, rate of tax upon.
2. Owners of transfer wagons to state under oath the number of wagons kept by them.
§ 3. Penalty for using transfer wagon without a license.
4. Repealing section.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. There shall be levied an annual tax upon all wagons (usually termed transfer wagons) used for transportation of merchandise or property from the railroads, terminating in or near this city, to places within the city, or from places within the city to said railroads—on all two-horse wagons, fifteen dollars; on all four-horse wagons, twenty dollars.

SEC. 2. The owner or owners of said transfer wagons shall state annually under oath, before the city register, what number of wagons are kept by them.

SEC. 3. Any owner, driver, or person in charge of any of the vehicles mentioned in the first section of this ordinance, which shall be used in the transportation of property without a license first being obtained therefor, shall be subject to a fine of not less than five nor more than one hundred dollars.

SEC. 4. All ordinances and parts of ordinances conflicting with this ordinance are hereby repealed.

Approved, July 12, 1861.

(No. 4405.)

WARDS.

AN ORDINANCE DIVIDING THE CITY OF ST. LOUIS INTO TEN WARDS AND FIXING THE BOUNDARIES THEREOF, UNDER SANCTION OF AND IN CONFORMITY TO A LEGISLATIVE ENACTMENT ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES," APPROVED DEC. 5, 1855, AND ALSO IN COMPLIANCE WITH "AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT ENTITLED 'AN ACT TO EXTEND THE LIMITS OF THE CITY OF ST. LOUIS, AND FOR OTHER PURPOSES,'" APPROVED DEC. 8, 1855.

§ 1. City divided into ten wards—boundaries established.
2. Dividing lines fixed.
§ 3. Repealing clause.
4. Rights of voters not to be affected by change of ward lines.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. The city of St. Louis is hereby divided into ten wards, under sanction of and in conformity to the legislative enactment referred to in the caption of this ordinance, the boundaries whereof shall be and the same are hereby established as follows:

First Ward—Shall embrace all that territory lying between the southern, western, and eastern lines of the extended new limits of the city, and a line as follows: Beginning at the eastern termination of Soulard street, thence westwardly along said street to Lafayette avenue, thence along the centre of Lafayette avenue to Grand avenue, thence by the same line prolonged westward to the western boundary of the extended new limits.

Second Ward—Shall embrace all that territory lying north of the first ward and within the eastern and western boundaries of the extended new limits of the city, and south of the following line: Beginning at the eastern end of Convent street, thence westward along Convent street to Carondelet avenue, thence south to Hickory street, thence westward along Hickory street to Grattan street, thence southward along Grattan street to Park avenue, thence westward along

Park avenue to Grand avenue, thence with the line of Park avenue extended to the western boundary of the extended new limits.

Third Ward—Shall embrace all that territory north of the second ward and within the eastern and western boundaries of the extended new limits, and south of the following line: Beginning at the east end of Plum street, thence westward with Plum street to Fourth street, thence southward to Cerre street, thence westwardly along Cerre street to Fourteenth street, thence southwardly along Fourteenth street to the south side of the Pacific railroad, thence along the south side of the Pacific railroad to the west line of the extended new limits.

Fourth Ward—Shall embrace all that territory north of the third ward and within the eastern and western boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Market street, thence westward along Market street to Tenth, thence south along Tenth to Clark avenue, thence westwardly along Clark avenue to Adolph street, thence southwardly along Adolph street to the western extension of Clark avenue, thence along said western extension of Clark avenue to the macadamized Market street road, thence westward along said macadamized road to the west line of the extended new limits.

Fifth Ward—Shall embrace all that territory north of the fourth ward and within the east and west boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Olive street, thence westwardly along Olive street to Seventeenth street, thence by the same line continued westward to Garrison avenue, thence along the Central plank-road to the west line of the extended new limits.

Sixth Ward—Shall embrace all that territory north of the fifth ward and within the east and west boundary lines of the extended new limits, and south of the following line: Beginning at the east end of Green street, thence westward along Green street to Eleventh street, thence south along

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Eleventh street to Christy avenue, thence westward along Christy avenue to Pratt avenue at its intersection with Lucas avenue, thence westward along Lucas avenue to Garrison avenue, thence by the line of Lucas avenue extended westward to the west line of the extended new limits.

Seventh Ward—Shall embrace all that territory north of the sixth ward, and within the east and west line of the extended new limits, and south of the following line: Beginning at the east end of Cherry street, thence westward along Cherry street to Broadway or Third street, thence along Broadway or Third street to Franklin avenue, thence along Franklin avenue to Garrison avenue, thence along the line of Franklin avenue extended westward to the west line of the extended new limits.

Eighth Ward—Shall embrace all that territory north of the seventh ward and within the east and west lines of the extended new limits, and south of the following line: Beginning at the east end of Biddle street, thence along Biddle street to Pratte avenue, thence along Gamble street to the macadamized St. Charles road, thence along said macadamized road to Webster street, thence on a line parallel with the extended line of Biddle street to the west line of the extended new limits.

Ninth Ward—Shall embrace all that territory north of the eighth ward within the east and west lines of the extended new limits, and south of the following line: Beginning at the east end of Howard street, thence westward along Howard street to Eighteenth, thence south along Eighteenth street to Cass avenue, thence westward along Cass avenue to the west line of the extended new limits.

Tenth Ward—Shall embrace all that territory north of the ninth ward and embraced within the east, west and north lines of the extended new limits.

Sec. 2. The dividing lines between the wards shall be the centre lines of the streets and avenues respectively named as boundaries thereof.

Sec. 3. All ordinances heretofore passed dividing the city

into wards, so far as the same may conflict with the provisions hereof, or anything required by the amended charter of the city, entitled "An act to extend the limits of the City of St. Louis, and for other purposes," approved December 5th and 8th, 1855, are hereby repealed.

SEC. 4. The change of the ward lines, as made by this ordinance, shall not be construed to deprive any voter, otherwise duly qualified, from voting on the first Monday in April next, in the ward into which he may be thrown by the change of the ward lines as herein established.

Approved, March 21, 1859.

(No. 4892.)

WATERWORKS DEPARTMENT.

AN ORDINANCE TO ESTABLISH AND REGULATE THE WATER-WORKS DEPARTMENT.

ARTICLE I.

§ 1. Department established; how managed.
2. Waterworks committee, how composed and elected; who shall be ex officio members; when to meet; shall elect chairman; register of water rates to be secretary—his duties.
3. Duties of committee.
§ 4. Waterworks fund created; of what accounts it shall consist; disbursements from fund, how made.
5. Committee to examine accounts of department; register and superintendent to furnish statements.
6. Amendatory clause.

Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. A department of the city government is hereby established, to be called the waterworks department, which shall be under the control and management of a committee of the common council, to be styled the waterworks committee.

SEC. 2. Said committee shall consist of five members, one of whom shall be from the first and second wards, one from the third and fourth wards, one from the fifth and sixth wards, one from the seventh and eighth wards, one from the

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ninth and tenth wards, to be elected by a ballot from the members of the council. The superintendent of waterworks and the register of water rates shall be ex-officio members of said committee, but shall have no vote in its proceedings. Said committee shall meet on the first Monday of each month, and oftener if the business of the department should require it. They shall elect a chairman, and the register of water rates shall act as secretary thereof, and keep an accurate record of their proceedings, which shall be published in the papers doing the city printing.

SEC. 3. It shall be the duty of said committee to take cognizance of all matters pertaining to the waterworks of the city; to report to the council upon all petitions and ordinances in relation to waterworks; to exercise a strict control over the receipts and expenditures of the department, and to perform such other duties as may be prescribed by the council. And all bills for materials furnished or work done, including every form of expenditure in the said department, shall, before the same are paid, be presented to said committee for their approval, and, if approved, shall be signed by the chairman.

SEC. 4. The several accounts of new waterworks, waterworks current, and water-pipe, shall be consolidated and united in an account to be denominated waterworks fund, and the accounting officers of the city are hereby directed to pass to the credit or debit of the same any ascertained balance from the accounts hereinbefore named; and all receipts into the city treasury, whether from the collection of water rates, the proceeds of the sale of bonds issued for the extension of waterworks, building or repairing reservoirs, or the purchase of pipe, or from any other source connected with the management and operation of the waterworks, as also all appropriations of the council for any purpose connected with the waterworks, shall be placed to the credit of said fund; and all expenditures authorized by ordinance, and all salaries and disbursements connected with the management and operation of the waterworks, shall be paid out of said fund in the manner

following: *First*—The interest on bonds heretofore issued on account of waterworks, not exceeding twenty-five thousand dollars in any one year, and all interest on bonds that shall be issued hereafter for waterworks purposes. *Second*—The current expenses of collecting rates, and the salaries of officers connected with the department. *Third*—Expenditures authorized by ordinance.

SEC. 5. Said committee shall, on the first meeting in each month, examine the accounts of the department. The register of water rates shall furnish the committee with a full statement, for the month next preceding such meeting, of all moneys paid over to him by the several collectors, and the amount paid into the treasury, and, also, the amount allowed each collector as commissions. And the superintendent of waterworks shall furnish a statement to said committee of all expenses incurred in operating, repairing and extending said waterworks, which shall be entered on record by the secretary of said committee.

SEC. 6. All existing ordinances relating to waterworks which provide for appropriations from any special fund, shall be so amended as to require payments to be made from the fund hereby created.

ARTICLE II.

Superintendent of Waterworks.

§ 1. Office created.
2. Duties of superintendent.
3. Owner to pay for hydrant and fixtures.
4. Stop-cocks to be laid in highway and marked.
5. Superintendent to keep map designating reservoirs, cisterns, fire-plugs, &c.
6. Authority of superintendent in laying down or repairing pipe.
7. Superintendent to keep full supply of water in case of fire.
§ 8. Notice to be given when water is stopped off.
9. Coal for waterworks to be supplied by contract.
10. Police to notify superintendent of leakage, &c.
11. Excavations for laying pipe to be let to lowest bidder.
12. Fire-plugs not to have more than one opening for hose.
13. Penalty for failing to have hydrant repaired.

SECTION 1. There shall be a superintendent of waterworks, to be appointed and confirmed as other city officers.

SEC. 2. It shall be the duty of the superintendent of waterworks:

First—To take charge of and exercise a general supervision over the waterworks, and everything appertaining thereto, or used in supplying the city with water, and to examine constantly into the condition thereof, and to see that the same are kept in good order and repair, and to superintend all additions made to said works, and execution of all contracts concerning the same.

Second—To make all drawings, plans and estimates required for any work to be done about the waterworks.

Third—To test and approve, or reject, any pipes or other materials furnished for the waterworks, and report thereon to the waterworks committee.

Fourth—To report to the common council, two weeks before each stated session, a general statement of all the affairs of the office, showing the condition of the waterworks, the whole amount of the appropriations for the same, and the disbursements of such appropriations, and all such other information as the council may require, or he may deem of interest to the city; which report shall be laid before the council at its ensuing session.

SEC. 3. All hydrants, pipes and fixtures, laid down for the use of individuals, and connected with the waterworks, shall be laid down at the expense of the owner, under such regulations as the waterworks committee may prescribe.

SEC. 4. To all such hydrants the superintendent shall see that stop-cocks are attached, which shall be put in a convenient place in a public highway, if practicable, and be covered with an iron plate, on which shall be cast the letter "W."

SEC. 5. The superintendent shall keep a corrected map of the city, on which shall be marked and designated the location of all buildings, reservoirs, cisterns, pipes, valves and fire-plugs connected with the waterworks, which shall be altered from time to time, as circumstances may require; and also an atlas, containing a plat of each block of the city

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in which any water-pipe is laid, on which shall be designated the location of the buildings on each block, and of hydrants, fire-plugs, valves and other things connected with the waterworks, and any other information necessary to exhibit the whole detail of said works; and also accurate and minute drawings of the buildings, reservoirs, machinery, and other appurtenances of said works.

SEC. 6. The superintendent shall have power, in the discharge of his duties, to enter into any house, lot, enclosure, or other premises, and to take up any pavements when necessary for the laying down or repairing of any pipe, replacing such pavement in a proper manner.

SEC. 7. Upon the happening of a fire in any part of the city, the superintendent shall see, immediately, that a full supply of water is kept in the reservoir of the waterworks.

SEC. 8. In any case when it is necessary to stop off the supply of water from the reservoir, the superintendent shall give public notice of the contemplated stoppage, in the newspapers employed by the city, and also by causing at least five hundred handbills to be posted up in all parts of the city where hydrants are used.

SEC. 9. The coal necessary for the use of the waterworks shall be furnished by contract by the year, and the superintendent shall give notice by handbills, that sealed proposals will be received, at a certain time designated, for supplying the quantity of coal needed; and a sufficient number of such handbills should be left with each weigher of hay or stone coal, to deliver one to each coal wagon coming into the city; said sealed proposals shall be opened by the superintendent of waterworks in the presence of the mayor and committee on waterworks, and the lowest bidder, taking into consideration the quality of the coal, shall receive the contract, provided he give good security, to be approved by the waterworks committee, for the fufillment of the contract.

SEC. 10. The city police and all city officers are required to inform the superintendent of any violation of this ordinance, and to give the name of the person offending, if known

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to them; and likewise to inform him of any leakage or derangement of any part of the waterworks.

Sec. 11. Excavations for laying down pipe, filling up trenches made therefor, and replacing pavement, shall be let out to the lowest bidder, as in other cases of contracts, whenever the estimated cost shall exceed one hundred dollars.

Sec. 12. The superintendent shall not erect any fire-plugs with more than one opening wherein hose can be attached.

Sec. 13. It shall be the duty of every person using water from a hydrant, when such hydrant shall leak, to have the same repaired immediately, or to notify the superintendent of the waterworks of such leak, under a penalty of five dollars for failing so to do.

ARTICLE III.

Plumber's Work.

§ 1. Plumber to procure permit for introducing water from waterworks; to be licensed.
2. Charge for granting permit; money received from permits how collected and paid.
3. Lead service pipe to be not less than three feet below surface.
4. Service pipe, dimensions and weight of.
5. Excavations for pipe to be replaced.
6. Unfinished work — superintendent to finish, when, how; expense of, to be charged.
§ 7. Stop-cocks to be attached to hydrants, how placed.
8. Stop-cocks and stop-boxes, regulations concerning.
9. Penalty for covering up valves or stop-boxes.
10. Officers of department, only, allowed to let on or shut off water from pipes or mains.
11. Waste water not allowed; penalty.
12. Fire-plugs not to be used except for certain purposes.
13. Penalty for violation of article third of this ordinance.

Section 1. Any plumber desirous of introducing water from the waterworks to any house or other place, shall first procure a permit and number from the superintendent of waterworks for each and every opening required. No plumber or other person will be permitted to attach to any service pipe or water main unless licensed by the superintendent of waterworks; and no license shall be granted to any individual until a satisfactory certificate from at least two respectable plumbers of the city of St. Louis is given to him, testifying

that the applicant is a competent plumber and qualified to receive a license and do plumber's work in a satisfactory workmanlike manner.

SEC. 2. For every attachment made by order of the superintendent of the waterworks, there shall be charged, for the use of the city, the sum of two dollars, on the granting of the permit by the superintendent of waterworks, said money to be paid by the applicant to the register of water rates, taking two receipts from said register, one to be filed by the superintendent and reported in his semi-annual report to the city council, the other to be retained by said applicant. The money thus collected shall be paid to the treasurer of the city monthly by the register, and credited by the city auditor to waterworks account by duplicate receipt.

SEC. 3. All lead service pipe placed in connection with the waterworks under ground, either in the streets, alleys, or on private property, shall not be less than three feet below the surface of the ground.

SEC. 4. Said service pipe shall be what is known as extra strong pipe, and weigh, per linear foot, as follows, to-wit: half-inch diameter, two pounds seven ounces per foot; five-eighth inch, three pounds per foot; three-fourths inch, three pounds ten ounces per foot; one inch, four pounds twelve ounces per foot; one and a fourth inch, six pounds; one and a half inch, seven pounds two ounces; one and three-fourth inch, eight pounds four ounces; two inch, nine pounds eight ounces; two and a half inch, sixteen pounds twelve ounces. Service pipe in buildings, above ground, may, at the option of parties interested, be what is known as strong pipe, and weigh as follows, per linear foot: five-eighths inch diameter, two pounds eight ounces per foot; three-fourths inch diameter, three pounds; one inch diameter, four pounds; one and a fourth inch diameter, four pounds eight ounces; one and a half inch diameter, six pounds four ounces; one and three-fourths inch diameter, six pounds eight ounces; two inch diameter, eight pounds. All service lead pipe

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of lighter weight than the above are strictly prohibited. Wrought iron-pipe can only be used above ground.

SEC. 5. All excavations for service pipe, in any public street or alley, shall carefully be replaced and rammed, and the surface repaved or macadamized the same as before laying the pipe.

SEC. 6. Should any street, alley, or highway, be left open or unfinished for the space of twenty-four hours, or should the work be done contrary to the regulations herein specified, the superintendent of waterworks shall proceed and finish the same, and charge the expense thereof to the plumber doing the work, which expense shall be paid by said plumber previous to his receiving another permit.

SEC. 7. There shall be a stop-cock attached to each hydrant, branch pipe, or other fixture for the distribution of water from the water-works. It shall be placed in streets, on the sidewalks within one foot of the curbstone; and in alleys, within one foot of the side line of same. All other pipes branched to, or connected to, a public or private branch or stop-cock, shall be attached in a convenient and accessible place, within three feet of the hydrant or drawcock, so that the water in one branch can be shut off without affecting another.

SEC. 8. Any stop-cock placed under ground, without exception, shall have a strong and suitable (T) head, and no other description will be permitted to be used. They shall be enclosed in a case of wood or iron, built up even with adjoining surface, wide at the top, so as to have a cast-iron frame, three inches square, with a lid fitted thereto, so that it can not be thrown off. When stop-cocks can not be placed in the sidewalks on account of vaults built under them, then the stop-box must be made of iron, three inches inside at the top, with a flange at the bottom to prevent their rising by the frost, to be placed in the street, clear of the gutter, and have a cast-iron lid, with prongs, six inches deep, to keep it in its place, similar to patterns furnished by the superintendent of the waterworks. It shall be the duty of the super-

intendent of the waterworks to see that the stop-boxes are kept in good order and repair, and, when necessary, to notify parties owning, or tenants of the premises, of the condition of the same, with a view to their repair or renewal, &c.; and should the parties so notified refuse or neglect to renew or repair the same, as may be directed by the superintendent of waterworks, it shall be the express duty of the register of water rates to refuse a license for the use of water until such notice is complied with.

SEC. 9. Parties paving streets, alleys or sidewalks, or repaving or repairing the same, are expressly forbid from destroying or covering up any valve or stop-box attached to the waterworks, under a fine of not less than five or more than twenty dollars for each and every offense, to be recovered as in other violations of city ordinances, except in case of city contractors doing work for the city; in which case the city engineer, on being notified of the same, shall deduct from all moneys going to said contractor the expense of removing or repairing the same.

SEC. 10. No person is permitted to let on or shut off water from any pipe or main of the waterworks, except the proper officer of the department, and no one except those employed by the superintendent will be permitted to drill the pipes, and no ferule shall be inserted that will penetrate the bore more than one-eighth of an inch, and shall also accurately conform in shape to the drill used.

SEC. 11. No hydrant, water-closet, or other attachment to the waterworks, shall be left running to waste when not in use; and it shall be the duty of the superintendent of waterworks, register of water rates, or inspectors, to notify the owners or occupants of any building, store or tenement where such waste of water is habitual, to refrain from the same, and shall turn off water from said premises after such notice if not attended to. In all cases where water has been turned off for waste, non-payment of license, or violation of the rules and regulations of the waterworks department, and found on again, the superintendent may cause the ferule to be drawn

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from the street main, and it shall not be reinserted until all back water rates are paid, and five dollars additional for drawing and replacing the ferule.

SEC. 12. No person shall be permitted to use the fire-plugs of the city, except for the extinguishment of fires, washing hose apparatus, or similar purposes, except under the order of the board of health when deemed necessary for the salutary condition of the city, under a penalty of not less than five or more than fifty dollars.

SEC. 13. Any plumber or other person who shall lay down any pipe, set up or repair any hydrant, or do any other act contrary to the spirit and intent of article third of this ordinance, or willfully let run any water-closet, hydrant, drain-cock or fire-plug, whereby the water from the waterworks shall be wasted, shall be fined, on conviction thereof, not less than five nor more than fifty dollars, to be collected as other penalties.

ARTICLE IV.

Water Rates Office.

§ 1. Office of register and collectors created; term of office; bonds to be given.
2. Licenses to use water, how obtained.
3. Register, duties of; to devote whole time and attention to office.
§ 4. Collectors, duties of.
5. Inspectors of hydrants, how appointed; their duties.

SECTION 1. The mayor shall appoint a register of water rents and four collectors, who shall be confirmed by the board of common council, and shall hold their office for one year from the second Monday in June in each year, (unless sooner removed,) and shall keep their office in the city hall, and give bonds respectively, to be filed with the city register, with three sureties each, to be approved by the mayor; the register of water rates in the penal sum of five [ten] thousand dollars, [and each of the collectors in the penal sum of five thousand dollars,] conditioned for the faithful performance of the duties of them required by law and ordinance.

SEC. 2. Any person desiring the use of water from the waterworks, shall apply to the register or collector of his

district, giving a full statement of the purposes for which the water is to be used, and upon the payment of the amount hereinafter required the register or collector shall grant a license for the use of the water, which shall state specifically the purpose and time for which the license is granted, the number of the hydrant and that of the block, and, as near as may be, the number of the building to which the hydrant is attached, and its position in the block, also the amount paid; and upon the back of said license shall be printed a synopsis of the regulations concerning the use of water from the waterworks.

SEC. 3. It shall be the duty of the register of water rates to have the care and safe keeping of all the books and papers belonging to his office, and to superintend the collection of water rates. He shall also cause to be made, and kept in his office, a full and complete record of all hydrants and attachments of every kind connected with the waterworks, by blocks, numbering the hydrants in each block separately, and also designate, by the number or otherwise, the tenement in which said hydrants or attachments are used, specifying the number of baths, water closets, hose, or other attachments, in each tenement; and, hereafter, when any new hydrants or attachments of any kind are made, he shall record the same in the registry of hydrants under its appropriate block. He shall, also, as soon as practicable, furnish each collector on the first of every month with a full and complete list of all licenses that will become due in his district during said month, the amount of the license, the name and location of the person owing the same, a copy of which list shall be entered into a book to be kept for that purpose; and the license, when paid, shall be so marked in said book, and those not paid, the cause of non-payment shall also be noted. It shall also be the duty of said register, at the opening of each stated session of the common council, to report to that body the amount of money collected for water rates since the first day of the preceding session of said council, with a detailed statement, showing from what sources the same has been

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derived, what amount each collector has received, and the amount of commission allowed each collector, also what amount of licenses are unpaid. The said register shall pay into the city treasury every Saturday all money received by him from the collectors of the several districts, and file the receipt with the auditor; and at the end of every three months he shall report to the auditor, under oath, all money received by him for licenses, and the payments made by him into the city treasury, and at the same time settle with the auditor, producing all the blank licenses in his hands. He shall receive from the city register blank licenses, signed by the city register, for which he shall give said city register duplicate receipts, one of which shall be delivered to the auditor, and the other retained in the city register's office. The said register of water rates shall furnish licenses to the several collectors in such amounts as they may require them, taking their receipts for the same, and giving them credit for the money they pay over to him. Said register shall assign to each collector a collection district, making the districts as nearly equal in point of revenue as possible—said districts to be numbered one, two, three and four, commencing in the southern part of the city with number one, and ending in the northern part of the city with number four. The salary of the register of water rates shall be fifteen hundred dollars per annum, payable monthly; and said register shall devote his whole time and attention to the discharge of his official duties, and shall engage in no other business during his term of office that will interfere therewith.

Sec. 4. It shall be the duty of the several collectors, in their respective districts, to collect the water rates assessed therein, and pay over every Saturday at noon, to the register of water rates, all moneys then in their hands, and settle with said register the last Saturday in each month, producing all licenses not issued, for which they shall receive credit, and duplicate receipts, one of which shall be filed with the auditor, and they shall be allowed as compensation for their services to the city, upon all money collected by them,

five per cent. until the second Monday of June next, and after that date four per cent. Said collectors to be required to make out and deliver to the register of water rates, on the monthly settlements with said officers, a statement of all the moneys collected since the last settlement, setting forth the amount they are entitled to on said settlement, to be made under oath to said officer, which amount shall be certified to by the register of water rates, at the monthly settlements had with said collectors; and upon presentation to the auditor he shall draw his warrant upon the treasurer for the amount so certified in favor of the collector. They shall, also, as often as once in three months, visit and inspect every hydrant in their respective districts, and report to the register any hydrants not enclosed according to ordinance; any waste of water, or person using water without license, or any other violation of the ordinances relating to waterworks. They shall in no case give permission to use water without license, neither shall they give a written receipt for licenses, but shall in all cases give a printed license, signed by the city register and the register of water rates, and countersigned by the collector, under a penalty of one hundred dollars, and may be removed from office. They shall, on the last Saturday of each month, make a statement under oath, of the amount of money received by them during the month for water rates, and the amount paid over by them to the register of water rates, which statement shall be filed in the comptroller's office; and said collectors shall engage in no other business during the term of their office that will interfere therewith, but shall devote their whole time and attention to their official business.

SEC. 5. Not more than four inspectors of hydrants shall be appointed by the register of water rates, and confirmed by the committee on waterworks, whose duty it shall be to visit and inspect all hydrants and other attachments, and see that the same are in good order and properly enclosed; they shall report to the register any hydrants not properly enclosed, any waste of water, leaking pipes or hydrants, persons using

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water without license, or any other violation of this ordinance that may come to their knowledge; they shall serve upon the proper parties all notices issued by the register of licenses being due, and when required by the register shall shut off the water from any hydrant for which the license is unpaid; they shall report to the register the location of all new buildings, or any street or alley where water pipe has been laid, in order to the entry of the same upon the register's record and atlas; in all cases where metres are used, they shall note the consumption of water as indicated thereby, and report the same to the register; and shall perform such other duties as may be required of them by the register.

ARTICLE V.

Water Rates.

§ 1. Term of water licenses; to be paid in advance; when to be dated.
2. Licenses trnsferable, how; regulations when person holding license removes, or is deprived of its use by fire.
3. Fire companies may use water, for what purposes.
4. Penalty for improper use or waste of water.
5. Penalty for using water without license, or interfering with waterworks.
6. Rates of water licenses.
7. Rates for purposes not designated; hotels and baths, regulations concerning.
8. Hydrant to be enclosed and secured before license issues.
9. Where tenement is peopled by several tenants, license how to issue.
10. Licenses to be issued for one purpose only.
11. License may be granted to use water from hydrant not connected with house, when.
12. Persons living beyond where pipe is laid may obtain license, how.
§ 13. Register authorized to withhold license, when.
14. Licenses to be taken out for all purposes, when.
15. Register may revoke license, or require new one to be taken out.
16. Water let on without permission of register or superintendent, ordinance to be enforced.
17. Register and collectors may require statement under oath, when.
18. Duty of mayor when register or collectors are engaged in business interfering with their official duties.
19. Officers of the department authorized to have access to premises, when.
20. Record of licenses to be kept—what to contain.
21. Plumbers to report attachments made by them, when; penalty for failing to report.
22. Penalty for violation of this ordinance.
23. Repealing section.

SECTION 1. All licenses shall be issued for one year, unless the applicant request the same to be issued for six months, which may be done. The rates assessed shall in all cases be paid in advance; and said license shall be dated on the first day of the month in which the same is granted.

SEC. 2. Any license may be transferred by the consent of the register, who shall note such transfer upon the back of the license and upon the record in his office: *Provided, however*, that no such transfer shall be made if the transferee have a larger family or greater use for the water than the person to whom the license was issued. Any person holding a water license who may remove from the place for which the same was granted, and who shall notify the register thereof within six days thereafter, may have the benefit of the unexpired term of his license at his new location, and the fact of such removal shall be noted by the register on the license, and upon the record in his office. Should any person holding a water license be deprived of the use of the water by fire, the register may, upon application therefor, pay back an amount proportionate to the time said license has to run, taking a receipt therefor, which receipt shall be credited to the register in his quarterly settlement with the auditor.

SEC. 3. The regularly constituted fire companies of the city shall at all times have liberty to use water from the fire-plugs, for the purpose of cleaning, washing or testing their engines or other apparatus.

SEC. 4. Whoever, having a water license, shall use or suffer to be used, the water from the hydrant designated in his license for any other purpose than that specified therein, or shall suffer any person not licensed to use water from such hydrant without informing the register of water rates thereof, or shall suffer such hydrant to remain exposed to public use, or shall suffer or permit any unnecessary waste of water therefrom, or shall negligently suffer the water to run from the same without being used, shall forfeit and pay not less than five nor more than fifty dollars; and it is hereby made the duty of all street inspectors and policemen to re-

port to the register of water rates any and all breaches of this section of this ordinance.

SEC. 5. Whoever shall himself, or by any of his family, or by any of his agents or servants, use the water from any part of the waterworks without license, or shall, without lawful authority, open any fire-plug, stop-cock, valve, or other fixture appertaining to said works, or shall let on or shut off water into or from any pipe without the authority from the superintendent of waterworks, or shall injure, deface or impair any part or appurtenances of the waterworks, or shall throw or cast anything into the reservoir of said works, shall forfeit and pay not less than five dollars.

SEC. 6. The following rates for the use of water from the waterworks for one year are hereby established: For residences occupied by one family only: house with four rooms or less, five dollars; house with five or six rooms, six dollars; house with seven or eight rooms, seven dollars; house with nine or ten rooms, eight dollars; house with eleven or twelve rooms, nine dollars; house with thirteen or fourteen rooms, ten dollars; house with fifteen or sixteen rooms, eleven dollars; house with seventeen or eighteen rooms, twelve dollars; house with nineteen or twenty rooms, thirteen dollars; houses with more rooms, to be assessed in the same rate. Hotels, boarding houses, and tenements occupied by more than one family, or for sleeping rooms, one dollar and fifty cents per room: provided, no license shall be issued for said hotel, boarding house or tenement for a less sum than at the rate of ten dollars per annum. Baths, private (with heating apparatus), five dollars; without heating apparatus, three dollars; public baths, fifteen dollars. Plugs or hose for washing windows and sidewalks, for a front of twenty-five feet or less, five dollars; and at the same rate for a greater number of front feet. Water closets, (private,) five dollars; public closets, ten dollars. For each barrel of beer brewed, five cents; for each barrel of liquor distilled, ten cents; for each barrel of whisky rectified, three cents; for each barrel of vinegar made, five cents; for each barrel of camphene, spirit gas or

alcohol manufactured, ten cents. The data of the last six enumerated clauses to be on the oath of the applicant as to the number of barrels brewed, distilled, rectified or manufactured for the preceding twelve months to the issue of license under this ordinance. When the applicant is commencing business he shall state the probable amount he intends to manufacture. For each dyer and scourer, not less than twenty-five dollars or more than one hundred dollars; for each hat manufacturer, not less than thirty dollars or more than one hundred dollars; for each horse kept by a private person, three dollars; for each sale or livery stable, two dollars per stall; and for every carriage, whether kept for hire or by the month, two dollars; and where a hose is attached, twenty-five dollars for said hose; for each bakery, not less than ten dollars or more than one hundred dollars; for each confectionary or candy manufactory, not less than fifteen dollars or more than seventy-five dollars; for each soap and candle manufactory, not less than one hundred dollars or more than six hundred dollars; for each porter, ale or wine cellar, not less than twenty dollars or more than fifty dollars; for each sugar refinery, not less than three hundred dollars or more than two thousand dollars; for each laboratory, not less than twenty dollars or more than two hundred dollars; for each dram-shop or restaurant, not less than twenty-five dollars or more than one hundred dollars; for each beer-house, twenty dollars; for each tobacco factory, for each person employed therein, two dollars—provided that no license shall issue for less than fifteen dollars. The use of water for sprinkling private gardens with hose, for six months, not less than five or more than fifty dollars; for sprinkling public gardens, or those used for profit or gain, not less than twenty dollars or more than one hundred and fifty dollars; for each fountain in a yard, not less than twenty-five dollars or more than one hundred and fifty dollars for six months; for St. Louis gas-works, five hundred dollars; for each book-bindery, not less than ten dollars; for each stock-yard, not less than twenty-five dollars or more than one

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hundred and fifty dollars; for each packing-house, not less than forty dollars or more than one hundred and fifty dollars. Barbers' shops, for one chair, five dollars, and for each additional chair, two dollars. Tanneries, three dollars for each vat—provided, no license shall be issued for less than fifteen dollars; brickyards, for each gang of hands, fifteen dollars; blacksmith-shop, per fire, three dollars; cow-stables, one dollar for each cow; stores, shops, and offices, not less than two dollars or more than twenty dollars; for each laundry, not less than twenty dollars or more than one hundred dollars; for each soda factory, not less than forty dollars or more than three hundred dollars; for each starch factory, not less than fifty dollars or more than two hundred dollars; for malting, half cent per bushel; for every square yard of plastering, one-half cent; for each perch of stone masonry, three cents; for every thousand of brick laid in wall, five cents. The register of water rates shall require any person applying for a license for building purposes, to furnish him a statement of the amount and kind of work to be done, which shall be sworn to, and which statement shall be kept in a book to be provided for that purpose by said register. For sprinkling streets, there shall be charged ten dollars for that portion of a street embraced between two cross streets, and shall date from the first of March, and be not less than one year; and any person holding such license shall be compelled to put his own attachment and keep the same in order and free from waste, and a failure to do so shall create a forfeiture of such licenses. For steam boilers, a water rate of forty cents per square foot of fire surface shall be charged; the fire surface to be computed by the area of the boiler and flues exposed to the fire; (this rate shall apply only to boilers used during the night as well as day, and a proportionate deduction shall be made by the register of water rates on such as are used only a portion of the time;) a statement to be made by the applicant of the construction and use of said boilers, and filed in the office: *Provided, however*, that no such license shall be issued for less than

twenty-five dollars: *And, provided further*, that no charge shall be made for hands working in foundries, machine-shops, iron works, rolling mills, nail works, printing offices, cotton, hemp, rope or bagging factories, and all other manufacturing establishments where no extra quantity of water is used, where a boiler license is paid by said establishments for the use of water for the same. Billiard saloons, three dollars per table. The register of water rates shall have power to ascertain by metres the quantity of water used in any case; and any persons, proprietors of hotels, boarding houses, distilleries, breweries, manufactories, or other persons using a large quantity of water, shall also have power to place within their premises, at their own expense, sufficient water metres, to be approved by the register, for the purpose of measuring the quantity of water used by them respectively; but all such metres shall be under the supervision, and at all times subject to the examination of the inspector of hydrants. In all cases where such metres are used, the persons taking out license shall be charged the following rates, on the average estimated quantity of water used during the year, the year to be estimated three hundred days: When the quantity used averages five hundred gallons per day, or less, at the rate of six cents per one hundred gallons; when the quantity averages from five hundred to one thousand gallons per day, at the rate of five and two-third cents per one hundred gallons; when the quantity averages from one thousand to two thousand gallons per day, at the rate of five and one-third cents per one hundred gallons; when the quantity averages from two thousand to three thousand gallons per day, at the rate of five cents per one hundred gallons; when the quantity averages from three thousand to four thousand gallons per day, at the rate of four and two-thirds cents per one hundred gallons; when the quantity averages from four to five thousand gallons per day, at the rate of four and one-third cents per one hundred gallons; when the quantity averages from five thousand to six thousand gallons per day, at the rate of four cents per one hundred gallons; when the

quantity averages from six thousand to seven thousand gallons per day, at the rate of three and two-thirds cents per one hundred gallons; when the quantity averages from seven thousand to eight thousand gallons per day, at the rate of three and one-third cents per one hundred gallons; when the quantity averages from eight to ten thousand gallons per day, at the rate of three cents per one hundred gallons; when the quantity used exceeds ten thousand gallons per day, the price shall be fixed by the register of water rates, but in no case at less than two cents per one hundred gallons. Where a constant stream is to be supplied, the license shall be fixed by the register in accordance with the preceding rates per one hundred gallons.

SEC. 7. For the use of water for any purpose not herein specifically designated, not less than five or more than two hundred dollars shall be charged, the same to be fixed by the register of water rates. All the rates established for water licenses for various trades and purposes shall be considered and charged as being for such trades and purposes exclusively, and exclusive of rates chargeable for the boilers of steam engines used on the premises and for the family use of the proprietor; and when a hotel has public baths attached to it, license shall be taken out both for the hotel and baths.

SEC. 8. The register of water rates, or the collectors, shall in no case issue a license to any one for the use of water until they shall have ascertained from actual inspection, or from report to them by an inspector of hydrants, that the hydrant is so enclosed as to prevent persons having no license from using water therefrom without the knowledge of the person to whom license is granted, and the register shall cause the water to be shut off from all hydrants which are not enclosed in conformity to the provisions of this ordinance; and no license shall be issued on any hydrant located in any public place, street, or alley.

SEC. 9. The register of water rates shall in no case grant license to persons occupying different tenements to use water from the same hydrant: *Provided*, that where two adjoining

tenements are owned by the same person, a license may issue to the tenants of both premises to use water from the one hydrant situated in the lot connected with one of such tenements.

SEC. 10. The license in every instance, where families are not mentioned as included in this ordinance, shall be issued for one purpose only, and in no other case shall families be included with other objects of license.

SEC. 11. A license may be issued to the owner or occupant of any store, shop or office that is connected with the dwelling, for the use of water from any hydrant in the neighborhood, when the owner of such hydrant shall give written permission to the same; which permit shall be filed in the office of the register of water rates.

SEC. 12. Persons residing beyond where the pipe is laid, may obtain a license for the use of the water, upon producing the written permission of the owner of the hydrant from which they desire water, to do so; which permit shall be filed in the office of the register of water rates.

SEC. 13. In addition to the powers conferred by this ordinance on the register of water rates, he is hereby authorized to withhold a license for the use of water from the waterworks for any specified purpose, whenever, in his opinion, such license can not be granted without the liability and likelihood of the water being used for other purposes than for which the license is taken.

SEC. 14. In all such cases, the register of water rates is authorized to require the applicant to take out license for the use of the water for all the purposes for which it is exposed to be taken; and unless he will do this, to refuse him a license for the use of the water for any purpose.

SEC. 15. If a license shall hereafter be issued for the use of water from any hydrant, and after such license is issued, and during the term for which it is issued, the register of water rates shall become satisfied that the water from such hydrant is used, or exposed to be used, for purposes not contemplated by the license issued, he may require the person

to whom such license was issued either to take out a license for the use of the water for the purposes for which the register shall believe it is actually used or exposed to be used, and in default of such license being taken out, the register is authorized to revoke the license actually issued and stop off the water from such hydrant; but in all cases he shall refund a rateable portion of the tax paid for such license.

SEC. 16. Whenever the superintendent of waterworks orders the water to be stopped off on any premises, either of his own accord or at the requisition of the register of water rates, and shall find the same let on again without his permission, or that of the register aforesaid so to do, the register shall immediately cause the connection to be cut off; and any person using the water from any hydrant or pipe after such order as aforesaid, shall be punished for such offense by a fine of not less than ten dollars, nor more than fifty dollars.

SEC. 17. The register of water rates, or the collectors, may require of each applicant for water license a statement under oath, at the time of application.

SEC. 18. It shall be the duty of the mayor, if at any time he is credibly informed, or otherwise has reason to believe, that the register, or either of the collectors, is engaged in any business which interferes with the discharge of his official duties, to inquire into the truth of such information or belief, and if, in the judgment of the mayor, the register of water rates, or either of the collectors, shall be so engaged in business which interferes with the discharge of official duties, the mayor shall notify such register or collector that if such business be not forthwith laid aside he will be dismissed from office; and if such business be not forthwith laid aside, or if, being laid aside, it be afterwards resumed, or if the same officer, who had been once thus notified, shall afterwards engage in any other business or avocation interfering with the discharge of his duties, it shall be the duty of the mayor forthwith to dismiss such register or collector from office. The mayor is further empowered to suspend or remove either of said officers at pleasure, if, in his opinion,

the interest of the city demands it, and to appoint some other person in his place for the unexpired portion of his term of office; but no such dismissal shall affect the recourse of the city against such dismissed register or collector and the sureties on their bonds.

SEC. 19. The register of rates, collectors and inspectors of hydrants, and such other persons as are employed by the office, shall be authorized, in the discharge of their duties, to enter and have free access, at all reasonable hours, to any premises, when it may be necessary to ascertain the location or condition of a hydrant pipe or other fixture attached to the waterworks, or to shut off or let on water from or to any hydrant pipe or other attachment, or for any other purpose that may be deemed essential for the preservation of the works, or to protect the revenue of the city derived from the same.

SEC. 20. A record of all water licenses issued shall be made and kept by the register of water rates; the licenses in each district to be recorded in separate books, entering the names of the persons to whom a license is issued, the price paid therefor, the location of the hydrant, the purpose and length of time for which it is granted, when granted, and the time of the expiration of said license. No license shall be granted without the number thereof being first entered in red ink on the margin of the book of licenses, opposite the part from which said license is detached, which number shall correspond with the number marked and written on the license issued.

SEC. 21. All attachments, as well as the purposes for which the water is to be used, with the location of said attachments, shall be reported to the register of water rates by the plumber making the same, within three days from the making of such attachment, under a penalty of not less than ten dollars for every omission, and no water shall be let on until such report is made.

SEC. 22. For any violation of the provisions of this ordinance for which a specific penalty is not hereinbefore pro-

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vided, the offender shall be liable to a fine of not less than three nor more than one hundred dollars, to be recovered before the recorder as in other cases of violations of ordinances.

SEC. 23. All ordinances or parts of ordinances conflicting with this ordinance are hereby repealed.

Approved, July 12, 1861.

(No. 4377.)

WEIGHERS.

AN ORDINANCE IN RELATION TO CITY WEIGHERS.

§ 1. License for city weigher to be issued by register; sum to be paid into city treasury.
2. Where office shall be kept; scales to be tested; to give bond; to weigh when requested, and give certificate; to report to city register.
3. Penalty for exercising the office of weigher without license.
§ 4. License not to be granted to certain persons.
5. When scales shall be tested.
6. Compensation.
7. Weigher's register to be open at all times.
8. Book of orders to be kept, and weighing to be done in order.
9. Repealing section.

Be it ordained by the City Council of the City of St. Louis, as follows:

SECTION 1. The register is hereby authorized and directed to issue a license to exercise the office of city weigher for the term of one year to any person who shall apply for the same: Provided, such person shall pay into the city treasury the sum of fifty dollars for such license.

SEC. 2. Each weigher shall keep an office in that part of the city lying east of Second street, and shall supply himself with suitable scales, tested and approved by the inspector of weights and measures, and shall, before entering on the duties of his office, give bond to the city in the penal sum of two thousand dollars, with one or more securities to be approved by the mayor, conditioned for the faithful performance of the duties of the office of weigher, and to indemnify all persons against any fraud, collusion, or error on his part, and he shall, when requested, weigh any article of commerce,

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and deliver to the applicant a certificate which shall state the marks and numbers of the packages weighed, the number of such packages constituting each draught, and the weight of such draught, separately; also, the total weight of each lot of merchandise which is distinguished by a separate mark, and shall report the fees for weighing the same, and shall keep a register in a suitable book of all the articles weighed, an abstract of which register, with the amount of fees received, shall be reported to the city register under oath, on the last Saturday of each month.

SEC. 3. No person shall exercise the office of city weigher unless he shall have taken out a license as herein provided, under a penalty of not less than ten nor more than one hundred dollars for each and every offense; nor shall any weigher employ a deputy.

SEC. 4. License as weigher shall not be granted to any person or to any employee of any person, who, at the time of applying for the same, is directly or indirectly engaged in buying, selling, or trading in any article that he may be called to weigh; and any person who shall, after having taken out a license, become so engaged, either as principal or as employee, shall thereby forfeit the office and privileges granted by this ordinance without claim on the city for the license money paid.

SEC. 5. The scales of the city weighers shall be tested by the inspector of weights and measures at least once in every six months, and oftener if such scales shall be supposed incorrect.

SEC. 6. The city weighers shall be entitled to charge and receive the following fees or compensation for their services, viz: For corn, wheat, rye, oats, barley, flaxseed and bran, in sacks, barrels, tierces, casks, hogheads or boxes, for any number not exceeding fifty packages or separate parcels, two cents per one hundred pounds; for all packages or separate parcels exceeding fifty in number, one cent per one hundred pounds. For sugar in hogsheads, for any number not exceeding twenty, fifteen cents each; for any number exceeding twenty, ten cents for each hogshead: for sugar in barrels or

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boxes, for any number not exceeding twenty, five cents; and for any number exceeding twenty, three and one half cents each. For hemp, for any number of tons not exceeding five, thirty-five cents per ton; and for any number exceeding five tons, twenty-five cents per ton. For lard in barrels, for any number not exceeding twenty, four cents each; and for any number exceeding twenty, two and a half cents: for lard in kegs, not exceeding twenty in number, two cents each; for any number exceeding twenty, one cent each: for lard in tierces, three cents and a half for each tierce. For lead, one half cent for each pig: and for other metals, for any quantity not exceeding five tons, forty cents per ton; and for any quantity exceeding five tons, twenty cents per ton. For hides, for any number not exceeding one hundred, one cent each; and for any number exceeding one hundred, one half cent each. For peltries, for any number of tons not exceeding five, thirty-five cents per ton, and for any number exceeding five tons, twenty-five cents per ton. For bacon and other meats in bulk, for any quantity not exceeding five tons, fifty cents per ton; for any quantity exceeding five but not exceeding ten tons, forty cents per ton; and for any quantity exceeding ten tons, thirty cents per ton.

SEC. 7. The register required to be kept by the city weigher shall at all times be open to the inspection of any person interested in weighing done by them.

SEC. 8. Each weigher shall keep open a book in some public part of his office, in which all orders for weighing are to be entered, and he shall fulfil such orders for weighing in the order that they are entered, unless for good cause shown, under a penalty of not less than five or more than one hundred dollars for every violation of this section, to be sued for and recovered as other penalties before the recorder.

SEC. 9. Ordinance number two thousand three hundred and eighty, entitled "An ordinance in relation to city weighers," approved March thirty, one thousand eight hundred and fifty, is hereby repealed.

Approved, March 12, 1859.

(No. 4791.)

WORKHOUSE.

AN ORDINANCE IN RELATION TO THE WORKHOUSE.

§ 1. Workhouse located and designated.
2. Superintendent to be appointed; his duties.
3. Duties of clerk, gatekeeper, and superintendent.
4. Further duties of superintendent.
5. Board of managers, who shall constitute; president to be chosen, his duties; duties of board of managers.
6. Quorum of the board, a majority to constitute.
7. Board to have power to inquire into complaints of prisoners.
8. Board to report to city council, when.
9. Compensation of board of managers.
10. Duty of city marshal in delivering prisoner; duty of superintendent.
11. Superintendent to divest prisoner of certain articles, and register same.
12. Prisoners to work certain hours.
13. Penalty for prisoner refusing to work, or other misconduct.
14. Duty of superintendent in case of prisoner escaping.
15. Prisoner escaping to forfeit work done.
16. Regulations for prisoners in certain cases.
17. Prisoners' apartments, regulations for.
18. When prisoner entitled to discharge; superintendent shall give him written discharge, when.
19. Certain specified persons only to hold intercourse with prisoner.
20. Male and female, or white and colored persons, not to occupy same apartments.
§ 21. Prisoner sick, duty of superintendent and health officer.
22. Duty of health officer in relation to food of prisoners.
23. Guards, superintendent to appoint and discharge; their duties.
24. Penalty for guard being drunk, or other misconduct.
25. Superintendent to board clerk and guards; compensation therefor.
26. Prisoners may be employed on private work, when.
27. Superintendent to report to common council.
28. Superintendent may sell articles made at workhouse, when.
29. Accounts of the workhouse how allowed and audited.
30. Power of superintendent to prevent escapes, and arrest escaped persons.
31. Officers of workhouse to arrest trespassers; penalty for trespassing.
32. Prisoners to be furnished with clothing on certain conditions.
33. Officers of workhouse not to trade in or sell articles to city.
34. Superintendent to pay moneys into city treasury, when.
35. Superintendent, when to enter upon his duties; term of office.
36. Carondelet, mayor of, may commit convicts to workhouse, when.
37. Regulations concerning convicts from Carondelet.
38. Carondelet to pay City of St. Louis for each convict, how much.

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Be it ordained by the Common Council of the City of St. Louis, as follows:

SECTION 1. The houses, enclosures, and fixtures, erected on that portion of the northeast quarter of block number eighty-five in the city commons, which lies between Jefferson avenue and the macadamized Carondelet road, be and they are hereby declared to be the workhouse of the City of St. Louis, and shall be so known and designated.

SEC. 2. There shall be appointed a superintendent of the workhouse, whose duty it shall be:

First—To reside in the tenement erected for his residence within the workhouse enclosure, and to have the care and custody of the workhouse and the grounds, enclosures, fixtures, appurtenances, and tools, and all property pertaining thereto, and of all persons confined therein, and daily to visit all apartments thereof, and see if the same are properly cleansed and in good order.

Second—To attend to the management of the prisoners and guards; to see, personally, that the prisoners are employed at the places and at the work directed by the board of managers; to see, personally, that the guards do their duty; to attend to the safe keeping of the prisoners; to see that the prisoners are properly lodged and fed; and to report to the board of managers, at the end of each month, the amount and description of work done by the prisoners, the condition of the property of the city connected with the workhouse, and such other facts as may be required by the board of managers.

Third—To deliver to his successor in office all prisoners confined in the workhouse, and all property of the city connected therewith.

SEC. 3. The duties of the clerk of the workhouse shall be performed by or under the direction of the superintendent; and the gate-keeper of the workhouse shall assist the superintendent in keeping the books, and no person to be appointed gate-keeper that is not competent to the task.

First—Also, the superintendent shall receive all persons committed to the workhouse by the city marshal, and register

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in a book, to be kept for that purpose, the name, age, height, color, place of birth, whether bond or free, of each prisoner received, and such other facts as may be necessary, and the number of times said prisoner has been committed; he shall also keep an accurate account of days worked by each prisoner.

Second—The superintendent shall note when the time of any prisoner is out, or he is otherwise legally entitled to his discharge, and the fact of such discharge, upon his books.

Third—He shall keep the minutes of the acts and proceedings of the board of managers, and keep a regular set of books, in such manner as the board of managers may direct, in which shall be entered all receipts and expenditures on account of the workhouse, and all clothing, tools, provisions, and other articles, procured for the workhouse, and to report to the board of managers at the end of each month a detailed account of all such receipts and expenditures.

SEC. 4. It shall further be the duty of the superintendent of the workhouse:

First—To make all purchases of necessary supplies for the workhouse, such as provisions, clothing, tools, provender for horses, and other articles, under such rules and regulations as shall be prescribed by the board of managers, and to report to the board of managers at the end of each month the amount and description of all such purchases.

Second—To attend to the cooking and providing meals for the prisoners, see that they have sufficiency of good and wholesome food, and that their sleeping apartments are properly cleansed and ventilated, and to attend to such other duties as may be required of him by the board of managers.

SEC. 5. At the first stated or called meeting of the council after the general election in each year, there shall be elected by ballot three members of the board, who, together with the mayor, shall constitute and be styled the board of managers of the workhouse. One of the said board shall be chosen president, and shall preside at all meetings of the board, and perform such other duties as may be required

of him by ordinance. It shall be the duty of the board of managers:

First—To exercise a general supervision over the officers connected with the workhouse, and the management thereof.

Second—To visit the workhouse once in every month, and oftener if necessary.

Third—To prescribe the kind of labor, and the place where all the prisoners in the workhouse shall be employed.

Fourth—To establish such rules and regulations generally for the government and management of the workhouse as they may deem proper, not contrary to or inconsistent with the provisions of this ordinance, and to cause the same to be printed, and posted in each apartment of the workhouse.

Fifth—To see that the ordinances of the city in relation to the workhouse are enforced.

Sixth—To regulate and prescribe the manner in which the superintendent shall make purchases of provisions, clothing, tools, or other articles for the use of the inmates of the workhouse.

SEC. 6. A majority of the members of the board of managers shall constitute a quorum for the transaction of business.

SEC. 7. The board of managers shall have power to inquire into any complaint made by the prisoners against the superintendent or other officer of the workhouse, and if they find the complaint to be well founded, shall cause the matter complained of to be remedied.

SEC. 8. The board of managers shall, at the opening of each stated session of the council, report to the council any information relating to the workhouse they may deem important.

SEC. 9. Each member of the board of managers, except the mayor, shall be allowed two dollars per day for each day he may be actually employed in performing the duties required by this ordinance.

SEC. 10. Whenever the city marshal shall commit any person to the workhouse, he shall endorse upon the execution

the amount of money that may be in his hands belonging to such prisoner, and shall deliver to the superintendent a copy of the execution under which the commitment takes place, and the endorsement thereon, and the superintendent shall endorse a receipt for the prisoner on the execution held by the marshal. The superintendent shall then enter in a book the executions and endorsements thereon, and the number of days labor which the prisoner must give to discharge the execution and costs, with the cost of boarding added, at the rate of thirty cents per day.

SEC. 11. Upon the receipt of any prisoner, the superintendent shall divest him of all articles of value, and all unnecessary wearing apparel, and all such articles shall be registered in a book, and returned to the owner upon his being discharged.

SEC. 12. The superintendent shall keep all persons committed to the workhouse employed at such useful and profitable labor as their health and strength will permit, ten hours each day; but no prisoner shall be required to work before sunrise or after sunset, except in extraordinary cases, and then he shall be allowed extra pay, to be fixed by the board of managers.

SEC. 13. Any person who shall refuse to work, or shall behave in a riotous or disorderly manner, or shall resist or refuse to obey the orders of the superintendent, or shall attempt to escape from the workhouse, may be committed to close and solitary confinement, and may be fed on bread and water until he consents to perform his duty, and may, if necessary, be put in irons; but the board of managers shall have power to control the superintendent in the extent and manner of punishment.

SEC. 14. Whenever any prisoner shall escape from the workhouse, the superintendent shall immediately notify the mayor and marshal thereof, and shall furnish the latter with a description of the fugitive, and a statement of the manner of his escape; and if he fails so to do within twenty-four hours

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after such escape, he shall be liable for the amount of fine and costs due from such prisoner.

SEC. 15. Any prisoner escaping from the workhouse shall forfeit the time he may have labored therein, and, upon being retaken, shall work out the whole amount for which he was originally committed, and the cost of boarding for the whole time.

SEC. 16. Any person who may be placed in solitary confinement, or may refuse to perform his task, shall not be allowed a credit for the time of such confinement or refusal; and the cost of his boarding during the time of such confinement or refusal shall be added to the amount for which he was committed, and worked out by him. If any prisoner shall be sick, and in the opinion of the health officer unable to work, he shall be allowed his time as though he had worked, but the amount of his board shall be charged to him. If the weather should be so inclement that the prisoners cannot work, those who cannot be kept at work, for that reason, shall, nevertheless, be allowed a credit as though they had worked, but their board for such time shall be charged to them.

SEC. 17. Prisoners shall be confined within the appropriate apartments within one hour after sunset, and all lights in such apartments shall be extinguished by nine o'clock P. M. between the first of April and the first of October, and by eight o'clock P. M. during the remainder of the year; and no lights or fires of any kind shall be allowed in the sleeping apartments of any prisoner except in case of sickness, and then only under the direction of the health officer or other physician in attendance.

SEC. 18. Any prisoner may, at any time, pay the superintendent the amount of execution and costs, or balance due thereon, after deducting work that may have been performed by him; and upon such payment, or upon the prisoner working out the amount of fine and costs, or if he shall be otherwise legally entitled to his discharge, the superintendent shall give the prisoner a printed or written discharge, and

set him at liberty. The prisoner shall be allowed fifty cents per day for his work, exclusive of board.

SEC. 19. No person, except the mayor, health officer, or a member of the board of managers, shall hold any intercourse with any prisoner ,unless permitted by the superintendent.

SEC. 20. The superintendent shall not permit male or female, or white and colored persons, to occupy the same apartments.

SEC. 21. Whenever any prisoner is sick, the superintendent shall notify the health officer of the fact, who shall thereupon visit the sick prisoner, and furnish the prisoner with proper medicines and medical attendance, and the superintendent shall see that the prisoner is properly nursed and attended; and the cost of all medicines, nursing and attendance shall be allowed by the board of managers, as other expenses of the workhouse are allowed. Whenever the health officer may deem it necessary, he may direct the superintendent to convey any prisoner who is sick to the city hospital; but when such prisoner shall have recovered his health sufficient to be able to work, he may be recommitted to the workhouse, and shall work out the remainder of his time.

SEC. 22. The health officer shall visit the eating room of the prisoners during meal times at least once in every two weeks, or oftener if he shall deem it necessary, and if, in his opinion, the food of the prisoners be not sufficient or proper, he shall report the fact to the board of managers, and make such recommendations of a change of diet as may be requisite for the health of the prisoners, and the board of managers may thereupon direct the superintendent to change the diet of the prisoners in accordance with the recommendation of the health officer.

SEC. 23. The superintendent, by and with the approval of the mayor, in writing, shall appoint such guards as may be necessary; and upon good cause, to be approved in writing by the mayor, discharge any and all of said guards, and pa-

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point others in their stead. The guards shall perform such duties as the superintendent may direct, in and about the guarding, management, control and working of the prisoners, and they shall be supplied with the necessary arms to enable them properly to guard the prisoners and to prevent escapes.

SEC. 24. Any guard who shall, while on duty, be in a state of intoxication, or shall otherwise fail in the discharge of any of his duties, shall forfeit any wages due him, and be discharged.

SEC. 25. The superintendent shall furnish boarding for the guards, for each of whom he shall be allowed ten dollars per month, payable monthly.

SEC. 26. The superintendent shall, upon the direction of the board of managers, work any portion of the prisoners not actually required at the workhouse, or on the work of the city, on any public or private work, and the amount of such work shall be collected by the superintendent, and by him paid into the city treasury, and placed to the credit of the workhouse fund.

SEC. 27. The superintendent shall, at the opening of each stated session of the common council, report to that body a detailed statement of the operations and affairs of the workhouse during the preceding six months, setting forth the number of prisoners received, the number then in the institution, the sex, and place of birth of all the prisoners, the value and description of the work performed by them in detail, and the expenditures and receipts on account of the workhouse.

SEC. 28. The superintendent may, with the written permission of the board of managers, signed by the president, sell or otherwise dispose of any article used, made or produced in or about the workhouse, and shall pay the proceeds of such sale into the city treasury, to be placed to the credit of the workhouse.

SEC. 29. The original bills for all purchases made by the superintendent on account of the workhouse shall be re-

ported to the board of managers at such times as they may direct, and, if satisfied of the correctness of the same, they shall give the person from whom the purchase was made a certificate, signed by the president and attested by the superintendent, and upon the presentation of the same to the auditor, he shall issue his warrant for the amount.

SEC. 30. The superintendent shall have power to take all necessary measures to guard the workhouse and to prevent the escape of prisoners, and he or any city officer or other person is authorized to arrest, without warrant, any person who shall have escaped from the workhouse.

SEC. 31. The superintendent or any officer of the workhouse may arrest, without warrant, any person trespassing upon the workhouse premises, or attempting to rescue any prisoner, or assisting or attempting to assist any prisoner to escape, or hindering or attempting to hinder the superintendent or any officer of the workhouse in the lawful discharge of any of his duties; and any person convicted of any such offense shall be liable to a fine of not less than three nor more than one hundred dollars.

SEC. 32. Prisoners shall be furnished, in such manner as the board of managers may direct, with suitable clothing, when necessary, at cost, provided that they agree that the expense thereof shall be worked out by them in like manner as the amount of fine and costs for which they were committed.

SEC. 33. The superintendent, or any other officer of the workhouse, shall not be permitted to trade in or sell any articles of any kind to the city for the use of the workhouse.

SEC. 34. The superintendent shall pay all moneys received by him on account of the workhouse, into the city treasury, at the end of each month, and take a receipt therefor from the city treasurer, a duplicate of which shall be filed in the auditor's office.

SEC. 35. The Superintendent shall be appointed by the mayor, by and with the consent and advice of the board of

common council, on or before the first day of June in each year, and he shall enter upon the performance of his duties on the first Monday of June in each year, and shall hold his office for one year, and until his successor is appointed and qualified.

SEC. 36. In accordance with the provisions of the act of the general assembly, entitled "An act to authorize the cities of St. Louis and Carondelet to make an agreement concerning a Workhouse," approved December fifth, eighteen hundred and fifty-five, the mayor of the City of Carondelet is hereby authorized to commit all persons convicted of a violation of any ordinance of said city, to the workhouse of the City of St. Louis.

SEC. 37. The persons so committed shall be received and registered by the superintendent of the workhouse; shall perform such labor as the superintendent may direct; be allowed the same compensation per day as other prisoners, and be subject, in all respects, to the rules and ordinances of the City of St. Louis in relation to the government of the workhouse; provided, that no person shall be committed who, from sickness or any other cause, is unable to perform the labor required of convicts at said institution.

SEC. 38. Said City of Carondelet shall pay to the City of St. Louis, for each prisoner so committed, the sum of ten cents per day, until such prisoner shall be discharged; and the City of St. Louis is to refund to the City of Carondelet the costs that may have accrued to the officers and witnesses in the prosecution of the charges against such prisoners; provided, the same are paid to the City of St. Louis after commitment; settlement to be made by the comptroller semi-annually.

Approved, January 24, 1861.

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CITY GOVERNMENT,

1861-2.

MAYOR ..... DANIEL G. TAYLOR.

BOARD OF COMMON COUNCIL.

President ..... ERASTUS WELLS.
President pro tem. ..... THOMAS C. CHESTER.
Clerk ..... JOHN B. HIGDON.
Sergeant-at-arms ..... WILLIAM GOODFELLOW.

COUNCILMEN.

First Ward.

THOMAS C. CHESTER, GABRIEL J. WŒRNER.

Second Ward.

F. W. CRONENBOLD, THOMAS S. NELSON.

Third Ward.

GUSTAVUS W. DRBYER, JOHN J. THORNTON.

Fourth Ward.

THOMAS BURKE, R. M. FUNKHOUSER.

Fifth Ward.

JOSEPH H. MCBRIDE, ERASTUS WELLS.

Sixth Ward.

STEPHEN W. ADREON, JOEL B. BURNETT.

Seventh Ward.

J. W. CRANE, EARL MATLACK.

Eighth Ward.

R. W. THORNBURGH, JOHN C. VOGEL.

Ninth Ward.

PATRICK DRISCOLL, ISAAC T. GREENE.

Tenth Ward.

THOMAS SPEAR, LEONIDAS W. MITCHELL.

Comptroller ..... JAMES FORTUNE.
Deputy Comptroller ..... B. D. KILLIAN.
Register ..... WILLIAM S. CUDDY.
Auditor ..... FRANKLIN P. CHILES.
Auditor's Clerk ..... THEODORE PAPIN.
Treasurer ..... JOHN M. FELDMAN.
Recorder ..... VALENTINE J. PEERS.
Recorder's Clerk ..... JAMES C. NORRIS.
City Attorney ..... WILLIAM H. LACKLAND.
Harbor Master ..... GEORGE M. RANSOM.
City Engineer ..... TRUMAN J. HOMER.
City Counselor ..... CHARLES G. MAURO.
Land Commissioner ..... WILLIAM P. CURTIS.
Fund Commissioner ..... JOHN CAVENDER.
Superintendent of Waterworks ..... DANIEL H. DONOVAN.
Register of Water Rents ..... MARTIN COLLINS.
Collector of Water Rents, 1st District ..... FRANCIS C. FISHER.
" " " 2d " ..... JAMES MCGINNIS.
" " " 3d " ..... TIMOTHY F. KEANE.
" " " 4th " ..... JAMES MCBETH.
Chief Engineer of Fire Department ..... H. CLAY SEXTON.
Assistant Engineers ..... RICHARD BEGGS, JOHN W. BAME.
Clerk Board of Fire Engineers ..... GEORGE W. TENNILLE.
Chief Operator Fire Alarm Telegraph ..... JOSEPH H. BRANSON.
City Marshal ..... JULES DETCHEMENDY.
Deputy Marshals ..... E. G. BROOKE, HENRY FRANGEL, HENRY OVES.
President of Board of Assessors ..... JOSEPH ROWE.
Assistant Assessor 1st & 2d Wards ..... JOHN C. MILLER.
" " 3d & 4th " ..... JOHN DURKAN.
" " 7th & 8th " ..... M. L. JULIAN.
" " 9th & 10th " ..... CHARLES SMITH.
Assessor's Clerk ..... F. W. DIECKMAN.
Wood Master ..... SAMUEL J. OWINGS.
Superintendent of Workhouse ..... BERNARD MCSORLEY.
Inspector of Vehicles ..... ALEXANDER BOHANON.
Superintendent of House of Refuge ..... A. N. HANER.
Health Officer ..... ELLSWORTH F. SMITH.
Resident Physician City Hospital ..... LOUIS T. PIM.

Clerk of Board of Health .... R. H. GRINSTEAD.
Steward of City Hospital .... THOMAS PAINE.
Street Inspector 1*st District* .... B. VENNEWITZ.
" 2*d* " .... W. KŒNIG.
" 3*d* " .... ISAAC P. DONALDSON.
" 4*th* " .... ROBERT LOUDEN.
" 5*th* " .... THOMAS E. WRIGHT.
Inspector of Beef and Pork .... FRANCIS WHITTAKER.
" " *Flour* .... J. L. BENSON.
Market Master North Market .... FRANKLIN WESTON.
" *Centre* " .... F. J. STEIGERS.
" *City* " .... WILLIAM CONWAY.
Weigher at North Levee Scales .... PHILIP DOHERTY.
" " *South* " " .... JAMES HANNA.
" " *City Market* " .... FRANKLIN WESTON.
Collector of Revenue, 1*st Ward* .... F. ROTHENBUCHER.
" " 2*d* " .... GEORGE ROTHWELLER.
" " 3*d* " .... DENNIS GALVIN.
" " 4*th* " .... JOHN MAGUIRE.
" " 5*th* " .... M. J. HARTNETT.
" " 6*th* " .... JOHN J. FLIPPIN.
" " 7*th* " .... W. J. KENNEDY.
" " 8*th* " .... WILLIAM BEGGS.
" " 9*th* " .... J. H. NIERMEYER.
" " 10*th* " .... JOHN O'HARE.
Translator .... ERNST SHRICK.

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